

FEDERAL REGISTER

VOLUME 21

NUMBER 48

Washington, Saturday, March 10, 1956

TITLE 3—THE PRESIDENT

PROCLAMATION 3125

ARMED FORCES DAY, 1956

BY THE PRESIDENT OF THE UNITED STATES
OF AMERICA

A PROCLAMATION

WHEREAS the armed forces of the United States have steadfastly served as champions of the security of our country; and

WHEREAS the members of the armed forces of the United States are now engaged in tasks which demonstrate to the world our free way of life, our desire to maintain peace with the rest of the world, and our aspiration to insure national security through better international understanding; and

WHEREAS, in order to maintain an essential ready reserve of trained military personnel, the armed forces of the United States are placing added emphasis on a reserve-forces program; and

WHEREAS it is appropriate that the armed forces of this Nation dedicate a special day each year to the demonstration of their operations and capabilities; and

WHEREAS it is desirable that the people of the United States and of the world be apprised of our unified program of Power for Peace; and

WHEREAS it is appropriate that the armed forces invite the public to visit on that day, so far as security requirements permit, posts, camps, stations, bases, vessels, armories, reserve centers, and other facilities:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America and Commander in Chief of the armed forces of the United States, do hereby proclaim Saturday, May 19, 1956, as Armed Forces Day; and I direct the Secretary of Defense and the Secretaries of the Army, the Navy, and the Air Force, as well as the Secretary of

the Treasury on behalf of the Coast Guard, to mark that day with appropriate ceremonies, to arrange for demonstrations and displays at armed forces installations, to invite participation by representatives of all religious faiths in such ceremonies in order that the interdependence of our security and the deep and abiding religious faith of Americans may be recognized, and to work hand in hand with civil authorities in arranging other supporting activities.

I also invite the Governors of the States, Territories, and possessions of the United States to provide for the observance of the day in such appropriate manner as will afford an opportunity for the people of the United States to become better acquainted with their armed forces.

And I call upon my fellow citizens not only to display the flag of the United States on Armed Forces Day, in manifestation of their recognition of the sacrifice and devotion to duty of the members of the armed forces, but also to avail themselves of the opportunity to further their knowledge of our defense posture and of the men and women who constitute our real national strength, by attending and participating in the local observances of the day.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this sixth day of March in the year of our Lord nineteen hundred and [SEAL] fifty-six, and of the Independence of the United States of America the one hundred and eightieth.

DWIGHT D. EISENHOWER

By the President:

HERBERT HOOVER, Jr.,
Acting Secretary of State.

[F. R. Doc. 56-1915; Filed, Mar. 8, 1956;
1:33 p. m.]

CONTENTS THE PRESIDENT

Proclamation	Page
Armed Forces Day, 1956.....	1525

EXECUTIVE AGENCIES

Agricultural Marketing Service	
Proposed rule making:	
Beans; United States standards.....	1530
Milk; handling in marketing area:	
Dubuque, Iowa.....	1530
New Orleans, La.....	1537
Platte River Valley.....	1538
Tomatoes grown in Florida.....	1537
Rules and regulations:	
Lemons grown in California and Arizona; limitation of shipments.....	1527
Navel oranges grown in Arizona and designated part of California; limitation of handling (2 documents).....	1527

Agriculture Department

See also Agricultural Marketing Service; Rural Electrification Service.	
Notices:	
Texas; disaster assistance; delineation of drought area.....	1555
Washington; designation of areas for production emergency loans.....	1555

Alien Property Office

Notices:	
Vested property; intention to return:	
Boutillon, Henri.....	1544
de Gunderode, Paola.....	1544
Giannini, Francesca, et al.....	1544
Margulies, Jetty, and Golda Margulies.....	1545
Orsikowski, Otto.....	1545
Paulin, Karl, and Agnes Pawliczek.....	1545
Wertheimer, Sara.....	1545

Civil Aeronautics Board

Notices:	
Accident occurring at Owensboro, Ky.; investigation.....	1546
Service to Liberal case.....	1546
St. Louis-Southeast service case.....	1546



Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Federal Register Division, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The Federal Register will be furnished by mail to subscribers, free of postage, for \$1.50 per month or \$15.00 per year, payable in advance. The charge for individual copies (minimum 15 cents) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the CODE OF FEDERAL REGULATIONS, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended August 5, 1953. The CODE OF FEDERAL REGULATIONS is sold by the Superintendent of Documents. Prices of books and pocket supplements vary.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER, or the CODE OF FEDERAL REGULATIONS.

CFR SUPPLEMENTS

(As of January 1, 1956)

The following Supplements are now available:

- Title 25 (\$0.50)
- Title 32: Part 1100 to end (\$0.35)
- Titles 40-42 (\$0.65)
- Title 49: Parts 71-90 (\$1.00)

Previously announced: Title 3, 1955 Supp. (\$2.00); Title 8 (\$0.50); Title 18 (\$0.50); Title 32: Parts 700-799 (\$0.35); Title 49: Parts 1-70 (\$0.60), Parts 91-164 (\$0.50), Part 165 to end (\$0.65)

Order from Superintendent of Documents, Government Printing Office, Washington 25, D. C.

CONTENTS—Continued

Commerce Department	Page
See Federal Maritime Board.	
Federal Communications Commission	
Notices:	
Hearings, etc.:	
Coos County Broadcasters.....	1549
Ole Mississippi Broadcasting Co. (WSUH) et al.....	1548
Parrish, B. J., et al.....	1547
Rochester Broadcasting Co. (2 documents).....	1549
Seaco, Inc.....	1551
Southern Indiana Broadcasters, Inc., and Lawrenceville Broadcasting Co.....	1546

RULES AND REGULATIONS

CONTENTS—Continued

Federal Housing Administration	Page
Rules and regulations:	
Cooperative housing insurance; eligibility requirements for individual mortgages covering properties released from lien or project mortgage; amendment.....	1528
Federal Maritime Board	
Notices:	
Judson Sheldon Division of National Carloading Corp. et al.; agreement filed with Board for approval.....	1545
Pacific Far East Line, Inc.; bareboat charter seven dry-cargo vessels.....	1545
Federal Power Commission	
Notices:	
Hearings, etc.:	
Arkansas Fuel Oil Corp. et al.....	1552
Atlantic Refining Co. et al.....	1553
Black Hills Power and Light Co. and Rushmore G. & T. Electric Cooperative, Inc.....	1553
Champlain Refining Co. and Colorado Oil and Gas Corp.....	1553
Gas Light Co. of Columbus and Southern Natural Gas Co.....	1554
Kouns, Sinclair B., et al.....	1552
Montana Power Co.....	1553
Northern States Power Co.....	1554
Pacific Gas and Electric Co.....	1553
Phillips Petroleum Co.....	1553
Turner, C. Maynard, et al.....	1553
Utah Power & Light Co.....	1553
Food and Drug Administration	
Proposed rule making:	
Pesticide chemicals; tolerances and exemptions from tolerances in or on raw agricultural commodities; residues of 3-(p-chlorophenyl)-1,1-dimethylurea and 3-(3,4-dichlorophenyl)-1,1-dimethylurea.....	1543
Health, Education, and Welfare Department	
See Food and Drug Administration.	
Housing and Home Finance Agency	
See Federal Housing Administration.	
Interior Department	
See National Park Service.	
Interstate Commerce Commission	
Notices:	
California; motor pick-up and delivery restrictions; investigation instituted.....	1554
Fourth section applications for relief.....	1554
Rules and regulations:	
Lease and interchange of vehicles by motor carriers; Direct-Winters Transport, Ltd.; denial of petition.....	1529
Justice Department	
See Alien Property Office.	
Labor Department	
See Wage and Hour Division.	

CONTENTS—Continued

National Park Service	Page
Notices:	
Crater Lake National Park and Oregon Caves National Monument; administrative officer; amendment of delegation of authority.....	1544
Hawaii National Park; assistant superintendent and administrative officer; amendment of delegation of authority.....	1544
Rules and regulations:	
Shenandoah National Park; fishing regulations.....	1528
Post Office Department	
Rules and regulations:	
Vending stands and vending machines; installation, operation and maintenance in government-owned buildings and leased Post Office quarters operated by the Post Office Department.....	1528
Rural Electrification Administration	
Notices:	
Loan announcements (15 documents).....	1555, 1556
Tariff Commission	
Notices:	
Cotton pillowcases; investigation.....	1554
Wage and Hour Division	
Proposed rule making:	
Industries of a seasonal nature; cleaning and preparing of certain seeds; preliminary determination.....	1543
CODIFICATION GUIDE	
A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.	
Title 3	Page
Chapter I (Proclamations):	
3125.....	1525
Title 7	
Chapter I:	
Part 68 (proposed).....	1530
Chapter IX:	
Part 912 (proposed).....	1530
Part 914 (2 documents).....	1527
Part 942 (proposed).....	1537
Part 945 (proposed).....	1537
Part 953.....	1527
Part 1013 (proposed).....	1538
Title 21	
Chapter I:	
Part 120 (proposed).....	1543
Title 24	
Chapter II:	
Part 243.....	1538
Title 29	
Chapter V:	
Part 526 (proposed).....	1543
Title 36	
Chapter I:	
Part 20.....	1528
Title 39	
Chapter I:	
Part 98.....	1528
Title 49	
Chapter I:	
Part 207.....	1529

TITLE 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Navel Orange Reg. 77, Amdt. 1]

PART 914—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

Findings. 1. Pursuant to the marketing agreement, as amended, and Order No. 14, as amended (7 CFR Part 914; 19 P. R. 2941), regulating the handling of navel oranges grown in Arizona and designated part of California, effective September 22, 1953, under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restrictions on the handling of navel oranges grown in Arizona and designated part of California.

Order, as amended. The provisions in paragraph (b) (1) (i) and (ii) of § 914.377 (Navel Orange Regulation 77; 21 P. R. 1409) are hereby amended to read as follows:

- (i) District 1: 415,800 cartons;
- (ii) District 2: 739,200 cartons.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: March 7, 1956.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable
Division, Agricultural Mar-
keting Service.

[P. R. Doc. 56-1853; Filed, Mar. 9, 1956;
8:52 a. m.]

[Navel Orange Reg. 78]

PART 914—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

§ 914.378 Navel Orange Regulation 78—(a) **Findings.** (1) Pursuant to the marketing agreement, as amended, and Order No. 14, as amended (7 CFR Part 914), regulating the handling of navel

oranges grown in Arizona and designated part of California, effective September 22, 1953, under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Navel Orange Administrative Committee held an open meeting on March 8, 1956, after giving due notice thereof, to consider supply and market conditions for navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date hereof.

(b) **Order.** (1) The quantity of navel oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a. m., P. s. t., March 11, 1956, and ending at 12:01 a. m., P. s. t., March 18, 1956, is hereby fixed as follows:

- (i) District 1: 415,800 cartons;
- (ii) District 2: 739,200 cartons;
- (iii) District 3: Unlimited movement;
- (iv) District 4: Unlimited movement.

(2) Navel oranges handled pursuant to the provisions of this section shall be subject to any size restrictions applicable thereto which have heretofore been issued on the handling of such oranges and which are effective during the period specified herein.

(3) As used in this section, "handled," "District 1," "District 2," "District 3," and "District 4" have the same meaning

as when used in said amended marketing agreement and order; and "carton" means the standard one-half orange, grapefruit, or lemon box set forth as standard container number 53 in section 828.83, as amended, of the Agricultural Code of California.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: March 9, 1956.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit and Veg-
etable Division, Agricultural
Marketing Service.

[P. R. Doc. 56-1940; Filed, Mar. 9, 1956;
11:25 a. m.]

[Lemon Reg. 632]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.739 Lemon Regulation 632—(a) **Findings.** (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 20 P. R. 8451), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on March 7, 1956, such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the

provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., March 11, 1956, and ending at 12:01 a. m., P. s. t., March 18, 1956, is hereby fixed as follows:

- (i) District 1: 4,650 cartons;
 - (ii) District 2: 213,900 cartons;
 - (iii) District 3: Unlimited movement.
- (2) As used in this section, "handled," "District 1," "District 2," and "District 3" have the same meaning as when used in the said amended marketing agreement and order; and "carton" means the standard one-half orange, grapefruit or lemon box set forth as standard container number 58 in section 828.83, as amended, of the Agricultural Code of California.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: March 8, 1956.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 56-1920; Filed, Mar. 9, 1956; 8:58 a. m.]

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter II—Federal Housing Administration, Housing and Home Finance Agency

Subchapter D—Multifamily and Group Housing Insurance

PART 243—COOPERATIVE HOUSING INSURANCE; ELIGIBILITY REQUIREMENTS FOR INDIVIDUAL MORTGAGES COVERING PROPERTIES RELEASED FROM LIEN OF PROJECT MORTGAGE

MAXIMUM CHARGES AND FEES WHICH MORTGAGEE MAY COLLECT FROM MORTGAGOR

Section 243.18 is amended to read as follows:

§ 243.18 *Maximum charges and fees which the mortgagee may collect from the mortgagor.* (a) The mortgagee may collect from the mortgagor the following charges and fees:

(1) A charge to compensate the mortgagee for expenses incurred in originating and closing the loan, the charge not to exceed \$20 or 1 percent of the original principal amount of the mortgage, whichever is the greater.

(2) Reasonable and customary amounts for any of the following items:

(i) Recording fees and recording taxes or other charges incident to recording;

(ii) Credit Report;

(iii) Survey, if required by mortgagee or mortgagor;

(iv) Title examination; title insurance, if any;

(v) Such other reasonable and customary charges or fees as may be authorized by the Commissioner.

(b) Prior to insurance of any mortgage, the mortgagee shall furnish to the Commissioner a signed statement in form satisfactory to the Commissioner, listing all items for which any charge or fee was collected from the mortgagor, together with the amount of each such charge or fee. The Commissioner's endorsement of the mortgage for insurance shall constitute approval of the listed charges and fees.

(c) Nothing in this section will be construed as prohibiting the mortgagor from dealing through a broker who does not represent the mortgagee, if he prefers to do so, and paying such compensation as is satisfactory to the mortgagor in order to obtain mortgage financing.

(Sec. 211, 52 Stat. 23; 12 U. S. C. 1715b)

Issued at Washington, D. C., March 7, 1956.

NORMAN P. MASON,
Federal Housing Commissioner.

[F. R. Doc. 56-1838; Filed, Mar. 9, 1956; 8:49 a. m.]

TITLE 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service, Department of the Interior

PART 20—SPECIAL REGULATIONS

SHENANDOAH NATIONAL PARK

1. Paragraph (a) *Fishing* of § 20.15, *Shenandoah National Park*, is amended to read as follows:

§ 20.15 *Shenandoah National Park—*

(a) *Fishing*—(1) *Applicability of regulations.* The regulations in this section shall govern fishing on those portions of all streams lying wholly within the Park, including those portions of the Conway River, the Rapidan River, and the North and South Forks of Moormans River. Along those portions of the streams which follow the boundary line of the Park, the State of Virginia laws and regulations governing fishing shall apply.

(2) *Waters.* (i) All waters in the Park are open to trout fishing.

(ii) Fishing for all other types of fish in the waters of the Park is prohibited.

(3) *Season.* The fishing season shall conform with the laws and regulations of the State of Virginia.

(4) *Size limit.* Fish under nine (9) inches in length shall not be retained. All undersized fish shall be immediately and carefully returned to the water. Fishermen shall wet their hands before

unhooking undersized fish to be returned to the water.

(5) *Limit of catch.* The limit of catch per day or possession by each person fishing shall not exceed eight (8) fish.

(6) *Bait.* Only artificial lures, such as artificial flies, spinners, or bugs, shall be used. Fishing with multiple hooks (lures with more than one blade or shank) is prohibited. The use of more than one lure on a single line is prohibited.

(7) *State licenses.* No special Park license is required, but persons fishing within the Park must first procure an appropriate fishing license issued by the State of Virginia.

(8) *Emergency closing of waters.* During any period of emergency, or to prevent over-use by fishermen of waters open to fishing in Shenandoah National Park, the Superintendent, in his discretion, may close to fishing all or any part of such open waters for such periods of time as may be necessary: *Provided*, The notice thereof shall be given by the posting of appropriate signs, notices, and markers.

(Sec. 3, 39 Stat. 535, as amended; 16 U. S. C. 3)

Issued this 15th day of February 1956.

[SEAL] GUY D. EDWARDS,
Superintendent,
Shenandoah National Park.

[F. R. Doc. 56-1812; Filed, Mar. 9, 1956; 8:45 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 98—INSTALLATION, OPERATION AND MAINTENANCE OF VENDING STANDS AND VENDING MACHINES IN GOVERNMENT-OWNED BUILDINGS AND LEASED POST OFFICE QUARTERS OPERATED BY THE POST OFFICE DEPARTMENT

Part 98, Installation, Operation and Maintenance of Vending Stands and Vending Machines in Government-owned Buildings and Leased Post Office Quarters Operated by the Post Office Department, is hereby added to Title 39, Chapter I, the same to read as follows:

Sec.

- 98.1 Vending stands.
- 98.2 Vending machines.
- 98.3 Installation, operation, and maintenance.
- 98.4 Modification, relocation, or removal.
- 98.5 Articles to be sold and vended.
- 98.6 Preparation and processing of authorization.
- 98.7 Survey of vending stand opportunities.

AUTHORITY: §§ 98.1 to 98.7 issued under R. S. 161, 369, as amended; sec. 1, 49 Stat. 1569, as amended; 5 U. S. C. 22, 369, 20 U. S. C. 107.

§ 98.1 *Vending stands.* (a) Blind persons, when available and duly certified by a State licensing agency, designated by the Department of Health, Education and Welfare, shall be authorized and have preference in the installation and operation of vending stands on property operated, maintained, and protected by the Post Office Department.

ment, provided that in the judgment of the Post Office Department the installation and operation of such stands are considered practicable and will not unduly inconvenience the Post Office Department or adversely affect the interests of the United States.

(b) The equipment shall be designed, arranged and installed in a manner which will facilitate sanitary operation.

(c) Plans of proposed vending stand equipment shall be submitted by the State licensing agency to the official in charge of the postal installation for approval prior to installation. Vending stands shall not be installed in leased post office quarters without the prior written approval of the lessor.

§ 98.2 *Vending machines.* For the purpose of achieving and protecting the preference of licensed blind vending stand operators, the assignment of profits from vending machines shall be determined by the Postal Official in charge and the State licensing agency on the basis of the following factors: (a) Proximity to and competition with the vending stand; (b) amount of income which accrues to the operator from the stand operation; and (c) amount of profits from vending machines not operated in connection with the stand.

§ 98.3 *Installation, operation, and maintenance.* (a) The installation, maintenance, repair, replacement, servicing, or removal of vending stand equipment or vending machines shall be without expense to the Post Office Department, except that the cost of utilities required to operate vending stands and vending machines will be borne by the Post Office Department. Additional wiring, electrical or plumbing connections required for the connection of the vending stand equipment to the building outlets must be installed without expense to the Post Office Department. Such installations in Government-owned buildings must be approved by the Public Buildings Service, General Services Administration, or by the lessor, in the case of leased quarters, before the work is undertaken.

(b) Vending stands shall be operated in compliance with local health and sanitation standards and codes.

(c) The operator shall arrange for cleaning and janitor service sufficient to maintain vending areas at stands and machines in a clean and orderly condition.

(d) The authorization for the establishment of a vending stand, together with the regulations and policies established by the Post Office Department and State licensing agency, shall govern the operation of each vending stand. Officials in charge of postal installations shall report any significant violations or other relevant matters to the State licensing agency. If appropriate corrective action is not taken, the installation head shall notify the Post Office Department which will resolve the matter with the Department of Health, Education and Welfare.

§ 98.4 *Modification, relocation, or removal.* The Post Office Department reserves the right to require State li-

censing agencies to arrange for the modifications, removal, or relocation of vending stands established under the Randolph-Sheppard Vending Stand Act (20 U. S. C. 107-107f) when necessary because of changes in building operations or space requirements.

§ 98.5 *Articles to be sold and vended.*

(a) The vending of the following articles at vending stands operated by licensed blind persons is approved: newspapers, periodicals, confections, tobacco products, and articles in individual containers or wrappers to which they are placed before receipt by the vending stand operator, and such other suitable articles as may be approved for each location by the postal official in charge and the State licensing agency. Such articles may also be vended through vending machines as adjuncts to vending stands or in other areas of the building where considered practicable by the Post Office Department.

(b) The licensed vending stand operators and the State licensing agencies shall use diligence and exercise good judgement and cooperate with the postal authorities in preventing the keeping on the premises, for disposal to the public by sale or otherwise, any so-called comic books or any other printed or written matter of an objectionable, subversive, or controversial nature which may subject the Post Office Department to public criticism.

§ 98.6 *Preparation and processing of authorization.* Applications for installation and operation of vending stands, including vending machines, to be operated by licensed blind persons, shall be submitted by the State licensing agency in quadruplicate on the form provided by the Department of Health, Education and Welfare to the postal official in charge of the building involved for his recommendations for approval or disapproval. The official in charge shall transmit all four copies to the Bureau of Facilities, Post Office Department, for review. If an application by a State licensing agency for a permit to establish a vending stand under the Randolph-Sheppard Vending Stand Act is not approved by the official in charge, the transmittal shall include the reasons for the disapproval. Applications submitted by postal officials will be reviewed by the Bureau of Facilities, and three copies thereof, indicating the action taken will be returned to the official concerned. The latter shall retain one copy in his file, and transmit the others to the State licensing agency making the application.

§ 98.7 *Survey of vending stand opportunities.* Postal officials shall cooperate with State licensing agencies in making surveys of vending stand opportunities for blind persons on properties under their control and in selecting locations, or relocations, for such stands and the types of stands to be provided.

[SEAL]

ABE MCGREGOR GOFF,
The Solicitor.

[F. R. Doc. 56-1837; Filed, Mar. 9, 1956; 8:49 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

Subchapter B—Carriers by Motor Vehicle [Ex Parte MC-43]

PART 207—LEASE AND INTERCHANGE OF VEHICLES

DIRECT-WINTERS TRANSPORT, LTD.; DENIAL OF PETITION

At a general session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 6th day of February A. D. 1956.

It appearing that by petition dated August 5, 1953, Direct-Winters Transport, Ltd., a motor carrier operating in interstate or foreign commerce pursuant to authority granted by this Commission, seeks a declaratory order to the effect that the rules prescribed in the above-entitled proceeding are not applicable to petitioner's method of leasing motor equipment, or, in the alternative, if the rules be found applicable to certain described leasing arrangements, they be modified so as to except such arrangements from the application of the leasing rules:

It is ordered, That insofar as petitioner seeks issuance of a declaratory order, such relief be, and it is hereby, denied:

It further appearing that pursuant to the general power of this Commission to interpret its orders, interpretative or clarifying orders may be issued; and good cause appearing therefor:

It is ordered, That the following responses be, and they are hereby, given to petitioner's inquiries:

(1) To the extent that petitioner leases equipment from a person who is not an authorized carrier, as defined in the rules prescribed in this proceeding, § 207.5 of such rules is not applicable as no interchange of equipment occurs between authorized common carriers, as defined in the rules;

(2) To the extent that petitioner leases trailers which are drawn by tractors owned by petitioner and are driven by employees of petitioner, such rental comes within the exemption of § 207.3 (f) of the rules prescribed in this proceeding, and the equipment so leased is subject only to § 207.4 (c) and (d) of these rules, relating to the inspection and identification of equipment so leased;

(3) To the extent petitioner leases equipment with drivers from a nonauthorized carrier, as the term is defined in the rules, whether or not such lessor is affiliated with petitioner, such leasing arrangements are subject to § 207.4 of the leasing rules;

And it is further ordered, That in all other respects the said petition, be, and it is hereby, denied, for the reason that a grant of other relief sought would tend to defeat the purpose for which the rules have been prescribed.

(49 Stat. 546, as amended; 49 U. S. C. 304)

By the Commission.

[SEAL]

HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 56-1831; Filed, Mar. 9, 1956; 8:48 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 68]

U. S. STANDARDS FOR BEANS

NOTICE OF PROPOSED REVISION

On December 31, 1955, a notice was published in the *FEDERAL REGISTER* (20 F. R. 10164) regarding a proposed revision of § 68.103 (d) of the United States Standards for beans (7 CFR 68.103 (d)) and a hearing was held at Los Angeles on January 30. Consideration has been given to all views and comments presented at the hearing and submitted in writing to the Department. It is now proposed to confine any revision at this time to the class Large Lima Beans and to include in such revision a limitation on the factor "broken beans" in the grade requirements for this class as follows:

Provide a maximum of 3.0 percent broken beans in Grade U. S. Extra No. 1, 5.0 percent in U. S. No. 1, and 5.0 percent in U. S. No. 2; or, alternatively, provide a maximum of 5.0 percent in each of the grades U. S. Extra No. 1, U. S. No. 1, and U. S. No. 2.

(Secs. 203, 205, 60 Stat. 1087; 7 U. S. C. 1622, 1624)

Interested persons may submit written data, views, or arguments to the Director, Grain Division, Agricultural Marketing Service, U. S. Department of Agriculture, Washington 25, D. C., to be received by him not later than March 20, 1956. Consideration will be given to all information thus received and all other information available in the United States Department of Agriculture in arriving at a decision with respect to the proposed revision.

Done at Washington, D. C., this 7th day of March 1956.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 56-1854; Filed, Mar. 9, 1956;
8:52 a. m.]

[7 CFR Part 912]

[Docket No. AO 29-A9]

HANDLING OF MILK IN DUBUQUE, IOWA, MARKETING AREA

DECISION WITH RESPECT TO PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Dubuque, Iowa, on June 29 and July 13-14, 1955, pursuant to notice thereof which was issued on March 29, 1955, and the supplemental notice of hearing which was

issued on June 7, 1955 (20 F. R. 2060, 2773 and 4092), upon proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Dubuque, Iowa, marketing area.

Upon the basis of the evidence introduced at such hearing and the record thereof, the Deputy Administrator, Agricultural Marketing Service, on January 17, 1956, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision in this proceeding. The notice of the filing of such recommended decision and opportunity to file written exceptions thereto was published in the *FEDERAL REGISTER* on January 20, 1956 (21 F. R. 423).

The material issues of record related to:

1. Eliminating the payment required on milk moving to Dubuque from a lower priced Federally regulated market;
2. Changing from a market-wide pool to an individual-handler pool;
3. Revising the classification and pricing provisions and eliminating the Class III classification of milk;
4. Revising the price of Class III milk;
5. Changing the method of allocating other source milk received from other Federally regulated markets; and
6. Revising certain definitions.

Within the period reserved therefor, interested parties filed exceptions to certain of the findings, conclusions and actions recommended by the Deputy Administrator. In arriving at the findings, conclusions and regulatory provisions of this decision, each of such exceptions was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings, conclusions and actions decided upon herein are at variance with any of the exceptions, such exceptions are overruled.

To the extent that the suggested findings and conclusions proposed by interested parties are in conflict with the findings and conclusions contained herein, the specific or implied requests to make such findings and to reach such conclusions, are denied on the basis of the facts found and stated in connection with the conclusions herein set forth.

Findings and conclusions. The following findings and conclusions on the material issues are based on the record.

1. *Payments on intermarket movements of milk.* With respect to the elimination of the payment which was required on milk moved to Dubuque from other Federally regulated markets in which the Class I price was lower than that prevailing in the Dubuque market, the record showed a need for immediate attention and the provisions requiring such a payment were terminated in a separate action (20 F. R. 6054).

2. *Type of pooling.* No change should be made in the present method of pooling.

One of the handlers proposed that the present market-wide pool be abandoned and that an individual-handler pool be

substituted. This proposal was opposed by all parties of interest except the proponent who appeared at the hearing.

Only one handler in the market maintains manufacturing facilities. Most of the remaining handlers, however, rely on the cooperative association to care for whatever milk is produced in excess of the market's requirements for Class I milk and related uses during the months of flush production. These handlers, likewise rely on the cooperative association to furnish them with supplemental milk when supplies are short.

Under the market-wide pool the cooperative association is in a position to balance the supplies of the handlers without adversely affecting the returns to its producers. If an individual handler pool were adopted the cooperative association would be forced to abandon this service which it presently provides for handlers (and through them for non-member producers) and seek a larger proportion of the Class I utilization for its members particularly during the months of flush production. This could lead only to a disruption of the orderly marketing process and bring about instability.

Under an individual-handler pool, those handlers with the lower uniform prices would be forced to take steps to increase the uniform price payable to their producers. Otherwise the more desirable producers would gravitate to the plants of the high utilization handlers, including the proponent, who would then be in a position to select the more desirable producers and cut off the smaller, less desirable, producers. The struggle for an increased share of the Class I market would undoubtedly lead to price cutting and a general demoralization of the market. Many producers who have been a part of the market for many years and who have substantial investments in Grade A facilities would be forced off the market. Clearly such a development would not be in the interest of stable and orderly marketing of the milk supply for the Dubuque market.

In support of the individual-handler pool the proponent argued that supplies of milk at the present time were greater than the Class I needs of the market and that a change in the method of pooling would decrease the supply. The record, however, shows that an adjustment in the relationship of supply to demand is taking place at the present time. In each of the first six months of 1955, the number of producers was smaller than in the corresponding month in 1954. Likewise, both the volume and the percentage of producer milk in Class I in each of these months were greater in 1955 than in 1954.

3. *Revision of classification.* The classification provided in the order should be changed to classify aerated cream products as Class II. The order should continue to provide for three classes of utilization.

The same handler who proposed changing to an individual-handler pool,

proposed that aerated cream products and eggnog be classified as Class II and that the description of the items in each class be enlarged to specify by name other products, not now produced in the market, which might at some time in the future be manufactured. He also proposed that the present Class III classification be eliminated and all manufactured dairy products be classified as Class II and priced at the Class II price. Currently, Class III consists of the butterfat and skim milk manufactured into butter, American type Cheddar cheese, and nonfat dry milk solids as well as allowable plant shrinkage.

Aerated cream products are not manufactured by any handler subject to regulation under the order. One or more of the handlers, however, acts as a jobber for such products which are produced elsewhere. It appears further that this product is not regulated by local health authorities and that Grade A milk is not required in its production. Accordingly, aerated products should be classified as Class II milk rather than as Class I.

With respect to eggnog the situation is quite different. Eggnog is made by the handlers from Grade A producer milk. There is no showing that the health authorities would permit it to be produced from other than Grade A ingredients. Accordingly, it is concluded that it should be continued as a Class I product.

Facilities for handling excess milk in the market are very limited. Except for such milk as can be utilized in cottage cheese and ice cream, it must be manufactured into American type Cheddar cheese or transported to plants some distance from the market. Dubuque is located in a heavy cheese producing area. The only plants located within the marketing area or within reasonable hauling distance of Dubuque which are in a position to accept the excess milk of the market are cheese factories. One or more of these plants manufacture Swiss cheese which is a Class II item. During most of the year the excess supplies of Dubuque are disposed of to these Swiss cheese makers and very little producer milk is manufactured into Cheddar cheese.

There are, however, occasions, particularly during the months of flush production, when receipts of milk from regular sources at the Swiss cheese plants are such that they are unwilling to handle the excess supplies of the Dubuque market. When this happens, a portion of the excess milk is manufactured into Cheddar cheese in the local plants and the remainder is diverted to Cheddar cheese plants in the milkshed. Retaining a separate classification for milk disposed of for the manufacture of Cheddar cheese will facilitate the handling of the reserve supplies of the market when it is impossible to dispose of such milk for other purposes, and it will prevent the disruption of the orderly marketing of milk which might occur if milk utilized in Cheddar cheese were classified as Class II milk and priced at the present Class II price.

4. *The pricing of Class III milk.* The price of Class III milk should be in-

creased. The present formula for pricing Class III milk has remained unchanged for several years. It is somewhat lower than similar formulas provided in most other orders and does not reflect the true value of milk utilized in Class III.

The handler who proposed the abandonment of the Class III classification urged that no milk used in manufactured dairy products should be priced below the level of the prices paid by the condenseries whose paying price is used as one of the alternative formulas for pricing Class II milk. The record evidence, however, reveals that cheese factories in Wisconsin normally pay slightly less for milk than the paying price of the condenseries and that the average prices paid by cheese factories in Iowa and Illinois are somewhat below those being paid by plants in Wisconsin.

In pricing the reserve supplies of milk for the Dubuque market, it must be borne in mind that the only readily available outlets for reserve milk which can not be absorbed in cottage cheese and ice cream are the cheese factories in and adjacent to the milkshed. Until such time as other facilities are available, Class III milk must be priced at a level which will permit the disposition of such milk. If such milk were to be priced at a prohibitive level handlers would refuse to accept milk from producers and the orderly marketing of milk would be seriously disrupted.

The producer's cooperative association which handles all of the excess of the handlers who purchase milk from them proposed that the Class III price be fixed 10 cents under the price paid by the condenseries which are used in determining one of the alternative Class II prices. The association operates a plant where milk may be received and cooled and where some milk is manufactured into ice cream, but it has no facilities for manufacturing other products and must dispose of any additional milk to cheese factories. It is contended that it costs them at least 10 cents per hundredweight to transport the milk to the cheese factories. Since these cheese factories, as evidenced by the record, generally pay less for milk than do the condenseries, it appears that such a price would furnish handlers with a strong incentive to seek other more profitable outlets for such milk.

The one handler who has cheese making facilities testified that such facilities were used only when it was impossible to dispose of milk in a higher utilization. He testified that all of his excess receipts were diverted to Swiss cheese factories whenever they would accept such milk and that the cheese making facilities were used only when he had no other alternative. This handler said that, even at the present level of the Class III price, it was not profitable to manufacture Cheddar cheese. Because of the relatively small volume of milk handled, his plant is not in a position to dispose of its cheese in carlots under the support program and must sell its output to assemblers. It was testified that the price received for such cheese was from 2 to 3 cents below the support level and thus the handler was able to recover from milk manufactured into Cheddar cheese

little more than the present Class III price. This handler was opposed to any change being made in the price of milk utilized in cheese at the present time and urged that any change in the level of Class III prices be delayed until such time as the market could develop other facilities for disposing of the reserve supplies.

Under the conditions prevailing in the Dubuque market, it appears that while the Class III classification should be continued, some increase in the price of milk utilized in this classification is necessary. As noted above, the cooperative association proposed that the price be 10 cents less than the paying price of the condenseries used in determining the Class II price. There is an alternative Class II price based on the market values of butter and Cheddar cheese which becomes the effective price for Class II milk whenever it results in a higher price than that paid by the condenseries. This formula was incorporated in the order to more nearly reflect market values of manufactured dairy products in periods when the condenseries' paying price might be abnormally low in relation to the general level of dairy product prices as evidenced by the markets for butter and Cheddar cheese. Adoption of a Class III price equal to the Class II price less 10 cents would therefore more nearly reflect the value of milk used in Cheddar cheese than would one based only on the condensery paying price. Such a price would not be so high as to cause handlers to refuse to accept milk from producers, yet would be sufficiently high to force them to seek to dispose of such milk in a higher utilization. It is concluded, therefore, that the price of Class III milk should be the price of Class II milk, minus 10 cents.

5. *The allocation of other source milk.* Some changes should be made in the present method of allocating other source milk received from other Federally regulated markets.

One of the handlers proposed that other source milk received in packaged form should be allocated to Class I before any producer milk was allocated to Class I. This handler receives in packaged form from a plant subject to regulation under the Chicago order a portion of the milk which it disposes of as Class I milk. The record also shows that some Class I milk in packaged form, in turn, is transferred from the Dubuque plant to the plant under the Chicago order. At the present time, the milk received from the Chicago plant is allocated to Class I only to the extent that total Class I sales may exceed receipts of producer milk. Because of the allocation provisions of the Dubuque and Chicago orders this may result in some milk for which the handler is required to pay the Class I price under the Chicago order being allocated to Class II. On the other hand, if the proposal of the handler were adopted that all milk received from another market be allocated to Class I before any producer milk were so allocated, it would result in a substantial quantity of producer milk being displaced for Class I purposes by other source milk which is not needed to meet the demands of the market and is imported only for

the convenience of the handler. In view of the fact, however, that producer milk packaged in Dubuque is returned to the Chicago plant it appears that it would be equitable to permit one to offset the other. It is concluded, therefore, that in the case of a plant which receives packaged milk for Class I use from another Federally regulated market such milk should be permitted to be subtracted from Class I utilization up to the extent of the Class I milk which is moved from the Dubuque plant to the plant which furnished the other source milk to the Dubuque market.

No change should be made in the allocation of other source milk which may be received from nonregulated sources. The Dubuque order contains no provision for assessing a payment on other source milk which is utilized in Class I. Thus, to permit other source milk from unregulated sources to displace producer milk might result in giving the handler who receives such milk a competitive advantage over other handlers who purchase milk at the Class I prices provided in the order and could lead only to a disruption of the orderly marketing processes. Such a practice would also result in lowering the uniform price to those producers who have assumed the obligation of supplying the Dubuque market with an adequate supply of milk and might result in the necessity of increasing Class I prices in order to provide an adequate return to these producers for the milk which they produce.

6. *Revision of other definitions.* Minor changes in the definitions of "producer" and "handler" have been made as a result of the evidence submitted. These are for the most part changes in terminology and will not affect the present application of the order to handlers or the producers whose milk would be regulated by it.

Several other proposed amendments were included in the notice of the hearing. These, however, were abandoned by the proponents at the hearing and no evidence was received with respect to them.

It is several years since the Dubuque order was last revised. In the meantime, the Federal Register regulations have been changed and the system of numbering Federal milk orders has been revised. It appears desirable at this time, to renumber the provisions of the Dubuque order in accordance with the present Federal Register regulations. In revising the order some minor changes in the text were adopted to bring the language of the order more nearly into conformity with the present practice. These changes, however, have not in any way affected the substantive provisions of the order and, except as noted above, the remaining provisions of the order will continue in their present form.

General findings. (a) The proposed marketing agreement and the order amending the order, as amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The parity prices for milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and

other economic conditions which affect market supply of and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order amending the order, as amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(c) The proposed order amending the order, as amended, will regulate the handling of milk in the same manner as and will be applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Order of the Secretary directing that a referendum be conducted among the producers supplying milk to the Dubuque, Iowa, marketing area: Determination of representative period and designation of an agent to conduct such referendum. Pursuant to section 8c (19) of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 608c (19)), it is hereby directed that a referendum be conducted among producers (as defined in the order amending the order, as amended, regulating the handling of milk in the Dubuque, Iowa, marketing area) who, during the month of January 1956, were engaged in the production of milk for sale in the marketing area specified in the aforesaid proposed order amending the order, as amended, to determine whether such producers favor the issuance of the order which is a part of the decision of the Secretary of Agriculture filed simultaneously herewith.

The month of January 1956 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the order amending the order, as amended, regulating the handling of milk in the Dubuque, Iowa, marketing area in the manner set forth in the attached order is approved or favored by producers who during such period were engaged in the production of milk for sale in the marketing area specified in the said order.

E. H. McGuire is hereby designated agent of the Secretary to conduct such referendum in accordance with the procedure for the conduct of referenda to determine producer approval of milk marketing orders as published in the Federal Register on August 10, 1950 (15 F. R. 5177), such referendum to be completed on or before the 20th day from the date this referendum order is issued.

Marketing agreement and order amending the order, as amended. Annexed hereto and made a part hereof are two documents entitled, respectively "Marketing Agreement Regulating the Handling of Milk in Dubuque, Iowa, Marketing Area" and "Order Amending the Order, as Amended, Regulating the Handling of Milk in the Dubuque, Iowa, Marketing Area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate

marketing agreements and orders have been met.

It is hereby ordered, That all of this decision except the attached marketing agreement, be published in the Federal Register. The regulatory provisions of said marketing agreement are identical with those contained in the order, as amended, and as proposed to be hereby further amended.

This decision filed at Washington, D. C., this 7th day of March 1956.

[SEAL]

EARL L. BUTZ,
Assistant Secretary.

Order¹ Amending the Order, as Amended, Regulating the Handling of Milk in the Dubuque, Iowa, Marketing Area

Sec.	Findings and determination.
912.0	DEFINITIONS
912.1	Act.
912.2	Secretary.
912.3	Dubuque, Iowa, marketing area.
912.4	Butter price.
912.5	Person.
912.6	Delivery period.
912.7	Cooperative association.
912.8	Producer.
912.9	Handler.
912.10	Producer-handler.
912.11	Producer milk.
912.12	Other source milk.
	MARKET ADMINISTRATOR
912.20	Designation.
912.21	Powers.
912.22	Duties.
	REPORTS, RECORDS AND FACILITIES
912.30	Delivery period reports of receipts and utilization.
912.31	Other reports.
912.32	Records and facilities.
912.33	Retention of records.
	CLASSIFICATION
912.40	Skim milk and butterfat to be classified.
912.41	Classes of utilization.
912.42	Shrinkage.
912.43	Responsibility of handlers and reclassification of milk.
912.44	Transfers.
912.45	Computation of skim milk and butterfat in each class.
912.46	Allocation of skim milk and butterfat to be classified.
	MINIMUM PRICES
912.50	Class prices.
912.51	Butterfat differentials to handlers.
912.52	Emergency price provisions.
	APPLICATION OF PROVISIONS
912.55	Application to producer-handlers.
912.56	Handlers subject to other Federal orders.
	DETERMINATION OF UNIFORM PRICE
912.60	Computation of value of milk.
912.61	Computation of uniform price.
912.62	Notification of handlers.
	PAYMENTS FOR MILK
912.70	Time and method of payment.
912.71	Producer butterfat differential.
912.72	Producer-settlement fund.
912.73	Payments to the producer-settlement fund.

¹ This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

- Sec.
912.74 Payments out of the producer-settlement fund.
912.75 Adjustment of errors in payments.
912.76 Interest on overdue accounts.

MISCELLANEOUS PROVISIONS

- 912.80 Expense of administration.
912.81 Marketing services.
912.82 Termination of obligations.
912.83 Agents.

EFFECTIVE TIME, SUSPENSION AND TERMINATION

- 912.90 Effective time.
912.91 Suspension or termination.
912.92 Continuing obligations.
912.93 Liquidation.

§ 912.0 Findings and determinations. The findings and determinations herein after set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order: and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) Findings upon the basis of the hearing record. Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900) a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Dubuque, Iowa, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is hereby found that:

(1) The said order, as amended, and as hereby further amended and all of the terms and provisions thereof will tend to effectuate the declared policy of the act;

(2) The parity prices of milk produced for sale in the said marketing area as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies and other economic conditions which affect market supply of and demand for such milk and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Dubuque, Iowa, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended to read as follows:

No. 48—2

DEFINITIONS

§ 912.1 Act. "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended, by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

§ 912.2 Secretary. "Secretary" means the Secretary of Agriculture or such other officer or employee of the United States as may be authorized to exercise the powers or to perform the duties of the said Secretary of Agriculture.

§ 912.3 Dubuque, Iowa, Marketing Area. "Dubuque, Iowa, marketing area," hereinafter called the "marketing area," means the territory within the corporate limits of the city of Dubuque and the township of Dubuque, sections 1, 2, 3, 11 and 12, of the township of Table Mound and sections 5 and 6 of the township of Mosalem, all in Dubuque County, Iowa.

§ 912.4 Butter price. "Butter price" means the simple average of the wholesale selling prices per pound (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter at Chicago as reported by the United States Department of Agriculture during the delivery period.

§ 912.5 Person. "Person" means any individual, partnership, corporation, association, or any other business unit.

§ 912.6 Delivery period. "Delivery period" means the calendar month or the total portion thereof during which this part is in effect.

§ 912.7 Cooperative association. "Cooperative association" means any cooperative marketing association of producers which the Secretary determines (a) is qualified under the provisions of the act of Congress of February 11, 1922, as amended, known as the "Capper-Volstead Act;" (b) has full authority in the sale of milk of its members; and (c) is engaged in making collective sales of or marketing milk or its products for its members.

§ 912.8 Producer. "Producer" means any person who, in conformity with the requirements of an applicable health authority, produces milk which is permitted by the health authorities of the city of Dubuque to be disposed of for consumption as Grade A milk and which (a) is received at the plant of a handler, or (b) is caused by a handler to be diverted from the plant of the handler to the plant of a nonhandler for the account of such handler. This definition shall not include a person with respect to milk produced by him which is received by a handler who is subject to another marketing order issued pursuant to the act and who is partially exempt from the provisions of this part pursuant to § 912.56.

§ 912.9 Handler. "Handler" means (a) any person in his capacity as the operator of (1) a milk processing plant from which milk is disposed of on wholesale or retail routes (including plant stores) within the marketing area, or (2) a plant which is under regular inspection of the city of Dubuque and from which Class I milk is transferred to a plant described in subparagraph (1) of this section; and (b) a cooperative association with respect to the milk of member producers which it causes to be diverted to the plant of a nonhandler for the account of the association. Milk so diverted shall be deemed to have been received by the cooperative association.

tion; and (b) a cooperative association with respect to the milk of member producers which it causes to be diverted to the plant of a nonhandler for the account of the association. Milk so diverted shall be deemed to have been received by the cooperative association.

§ 912.10 Producer - handler. "Producer-handler" means any person who is both a producer and a handler and who receives no milk directly from the farms of other producers; Provided, That the maintenance, care and management of the dairy animals and other resources necessary to produce the milk and the processing, packaging and distribution of the milk are the personal enterprise and the personal risk of such person.

§ 912.11 Producer milk. "Producer milk" means all skim milk and butterfat which is produced by a producer, other than a producer-handler, and which is received by a handler either directly from producers or from other handlers.

§ 912.12 Other source milk. "Other source milk" means all skim milk and butterfat received by a handler except that contained in producer milk.

MARKET ADMINISTRATOR

§ 912.20 Designation. The agency for the administration of this part shall be a market administrator who shall be a person selected by the Secretary. Such person shall be entitled to such compensation as may be determined by and shall be subject to removal at the discretion of the Secretary.

§ 912.21 Powers. The market administrator shall have the power to:

- Administer the terms and provisions of this part;
- Make rules and regulations to effectuate the terms and provisions of this part;
- Receive, investigate, and report to the Secretary complaints of violations of the terms and provisions of this part; and
- Recommend to the Secretary amendments hereto.

§ 912.22 Duties. The market administrator shall perform all duties necessary to administer the terms and provisions of this part including but not limited to the following:

- Within 30 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon such duties, and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;
- Employ and fix the compensation of such persons as may be necessary to enable him to administer the terms and provisions of this part;
- Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;
- Pay out of the funds provided by § 912.80, the cost of his bond and the

bonds of his employees, his own compensation and all other expenses, except those incurred under § 912.81, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this part, and upon request by the Secretary surrender the same to such other person as the Secretary may designate;

(f) Publicly announce, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate the name of any person who, within 10 days of the date on which he is required to perform such acts, has not made reports pursuant to § 912.30, or payments pursuant to §§ 912.70, 912.73, 912.75, 912.80 and 912.81;

(g) Audit each handler's records and payments by inspection of such handler's records and the records of any other person upon whose utilization the classification of skim milk and butterfat for such handler depends;

(h) On or before the 10th day after the end of each delivery period report to each cooperative association which so requests the utilization of the milk caused to be delivered to each handler by such cooperative association. For this purpose such milk shall be prorated to each class in the same proportion that total receipts of producer milk by such handler were used in each class;

(i) Publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate the prices determined for each delivery period as follows:

(1) On or before the 5th day of each delivery period (i) the minimum price for Class I milk computed pursuant to § 912.50 (a), and the butterfat differential computed pursuant to § 912.51 (a), both for the current delivery period, and (ii) the minimum prices for Class II milk and Class III milk computed pursuant to § 912.50 (b) and (c), and the butterfat differentials computed pursuant to § 912.51 (b) and (c) for the preceding delivery period, and

(2) On or before the 10th day after the end of the delivery period the uniform price computed pursuant to § 912.61 and the butterfat differential computed pursuant to § 912.71; and

(j) Prepare and disseminate to the public such statistics and information as he deems advisable and as do not reveal confidential information.

REPORTS, RECORDS AND FACILITIES

§ 912.30 *Delivery period reports of receipts and utilization.* On or before the 7th day after the end of each delivery period each handler, except a producer-handler, shall report to the market administrator in the detail and on forms prescribed by the market administrator:

(a) The quantities of skim milk and butterfat contained in milk received from producers;

(b) The quantities of skim milk and butterfat contained in (or used in the production of) receipts from any other handler;

(c) The quantities of skim milk and butterfat contained in receipts of other source milk (except nonfluid milk products disposed of in the form in which received without further processing by the handler);

(d) The utilization of all receipts required to be reported pursuant to this section; and

(e) Such other information with respect to such receipts and utilization as the market administrator may prescribe.

§ 912.31 *Other reports.* (a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

(b) On or before the 20th day of each delivery period each handler shall submit to the market administrator such handler's producer payroll for the preceding delivery period which shall show: (1) The total pounds of milk received from each producer and cooperative association and the total pounds of butterfat contained in such milk, (2) the amount of payment to each producer and cooperative association, and (3) the nature and amount of any deductions involved in such payments.

§ 912.32 *Records and facilities.* Each handler shall maintain and make available to the market administrator or to his representative during the usual hours of business such accounts and records of his operations and such facilities as are necessary for the market administrator to verify or to establish the correct data with respect to:

(a) The receipts and utilization in whatever form of all skim milk and butterfat received, including nonfluid milk products disposed of in the form in which received without further processing;

(b) The weights and tests for butterfat and other contents of all milk, skim milk, cream and milk products handled;

(c) Payments to producers and cooperative associations; and

(d) The pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream and milk products on hand at the beginning and end of each delivery period.

§ 912.33 *Retention of records.* All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the calendar month to which such books and records pertain; *Provided*, That if, within such three-year period the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and record is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records as specified books and records, until further written notification from the market administrator. In either case the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the rec-

ords are no longer necessary in connection therewith.

CLASSIFICATION

§ 912.40 *Skim milk and butterfat to be classified.* All skim milk and butterfat in any form received by a handler during the delivery period and required to be reported pursuant to § 912.30 shall be classified by the market administrator pursuant to the provisions of §§ 912.41 through 912.46.

§ 912.41 *Classes of utilization.* Subject to the conditions set forth in §§ 912.43, and 912.44 the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk (including reconstituted skim milk) and butterfat disposed of in the form of milk, skim milk, buttermilk, flavored milk, flavored milk drinks, cream, or any mixture (except mixes for ice cream and frozen desserts) of cream and milk or skim milk containing more than 6 percent of butterfat and all skim milk and butterfat not specifically accounted for under paragraphs (b) and (c) of this paragraph;

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat (1) used to produce evaporated milk, condensed milk, ice cream, mixes for ice cream and frozen desserts, cottage cheese, and any milk product other than those specified in paragraphs (a) and (c) of this section, or (2) disposed of to wholesale manufacturers of food products; and

(c) *Class III milk.* Class III milk shall be all skim milk and butterfat (1) used to produce butter, American type Cheddar cheese, animal feed, casein, and non-fat dry milk solids, (2) in shrinkage up to 2 percent of receipts from producers, and (3) in shrinkage of other source milk.

§ 912.42 *Shrinkage.* The market administrator shall allocate shrinkage over a handler's receipts as follows:

(a) Compute the total shrinkage of skim milk and butterfat for each handler; and

(b) Prorate the resulting amounts between the receipts of skim milk and butterfat received from producers and from other sources.

§ 912.43 *Responsibility of handlers and reclassification of milk.* (a) All skim milk and butterfat shall be Class I unless the handler who first receives such skim milk or butterfat can prove to the market administrator that such skim milk or butterfat should be classified otherwise; and

(b) Any skim milk or butterfat (except that transferred to a producer-handler) shall be reclassified if verification by the market administrator discloses that the original classification was incorrect.

§ 912.44 *Transfers.* Skim milk or butterfat disposed of by a handler either by transfer or diversion shall be classified as follows:

(a) As Class I milk if transferred or diverted in the form of milk, skim milk, or cream to another handler, except a producer-handler, unless utilization in another class is mutually indicated in

writing to the market administrator by both handlers on or before the 7th day after the end of the delivery period within which such transaction occurred, but in no event shall the amount classified in any class exceed the total use in such class by the transferee handler: *Provided*, That, if either or both handlers have received other source milk, the milk so disposed of shall be classified at both plants so as to return the higher class utilization to producer milk;

(b) As Class I milk if transferred to a producer-handler in the form of milk, skim milk or cream;

(c) As Class I milk if transferred or diverted in the form of milk, skim milk or cream to a nonhandler's plant unless (1) the handler claims other classification on the basis of utilization mutually indicated in writing to the market administrator by both the handler and nonhandler on or before the 7th day after the end of the delivery period within which such transfer or diversion occurred, (2) such nonhandler maintains books and records showing the utilization of all skim milk and butterfat at his plant, which are made available if requested by the market administrator for the purpose of verification, and (3) such nonhandler's plant had actually used not less than an equivalent amount of skim milk and butterfat in the use indicated in such statement: *Provided*, That, if verification of such nonhandler's records discloses that an equivalent amount of skim milk and butterfat had not been used in such indicated utilization, the remaining pounds shall be classified in series beginning with the next higher priced classification in which such nonhandler had utilization.

§ 912.45 *Computation of skim milk and butterfat in each class.* For each delivery period, the market administrator shall correct for mathematical and other obvious errors the delivery period report submitted by each handler and shall compute the total pounds of skim milk and butterfat, respectively, in Class I milk, Class II milk, and Class III milk for such handler.

§ 912.46 *Allocation of skim milk and butterfat to be classified.* After computing the classification of all skim milk and butterfat received by a handler pursuant to § 912.45, the market administrator shall determine the classification of milk received from producers as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class III the pounds of skim milk determined pursuant to § 912.41 (c) (2);

(2) Subtract from the remaining pounds of skim milk in each class in series beginning with the lowest priced class in which the handler has use, the pounds of skim milk contained in other source milk: *Provided*, That, in the case of a handler who receives from a plant regulated under another order issued pursuant to the act, milk or milk products in packaged form which are defined as Class I milk under this order and which have been classified and priced under the other order, and who transfers Class I milk in packaged form to the same plant

from which the above mentioned packaged milk is received, there shall be subtracted from the pounds of skim milk in Class I an amount equal to the pounds of skim milk contained in the packaged Class I items, either received by the handler from the plant subject to regulation under the other order, or transferred by the handler to such plant, whichever is the lesser amount;

(3) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk contained in receipts from other handlers in accordance with its classification as determined pursuant to § 912.44 (a);

(4) Add to the remaining pounds of skim milk in Class III the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph;

(5) If the remaining pounds of skim milk in all classes exceed the pounds of skim milk received from producers an amount equal to the difference shall be subtracted from the pounds of skim milk in each class in series beginning with the lowest priced class in which the handler has use. Any amount so subtracted shall be called "overrun"; and

(b) Butterfat shall be allocated in accordance with the same procedure outlined for skim milk in paragraph (a) of this section.

MINIMUM PRICES

§ 912.50 *Class prices.* Subject to the provisions of §§ 912.51 and 912.52, the minimum prices per hundredweight to be paid by each handler for milk received at his plant from producers during the delivery period shall be as follows:

(a) *Class I milk.* The price established per hundredweight of Class I milk under Order No. 44, as amended, regulating the handling of milk in the Quad Cities marketing area, minus 10 cents;

(b) *Class II milk.* The higher of the prices resulting from the computations made pursuant to subparagraphs (1) and (2) of this paragraph:

(1) The average of the basic or field prices reported to have been paid or to be paid for milk of 3.5 percent butterfat content received from farmers during the period, beginning with the 16th day of the preceding month and ending with the 15th day of the then current month at the following plants for which prices have been reported to the market administrator or to the Department of Agriculture:

Present Operator of Plant and Location
 Amboy Milk Products Company, Amboy, Ill.
 Borden Company, Dixon, Ill.
 Borden Company, Sterling, Ill.
 Carnation Company, Morrison, Ill.
 Carnation Company, Oregon, Ill.
 Carnation Company, Waverly, Iowa.
 United Milk Products Company, Argo, Ill.

(2) The price resulting from the following computations:

(i) Multiply the butter price by 6;

(ii) Add an amount equal to 2.4 times the average of the weekly prices of the cheese known as "Cheddar" or the Wisconsin Cheese Exchange at Plymouth, Wisconsin, as reported by the Department of Agriculture during the delivery period. If there are no sales on the ex-

change during any week, the last previously quoted price shall be used as the price for that week in making these computations;

(iii) Divide the resulting sum by 7.
 (iv) Add 30 percent thereof, and
 (v) Multiply the resulting sum by 3.5; and

(c) *Class III milk.* The price for Class II milk minus 10 cents.

§ 912.51 *Butterfat differentials to handlers.* If the average butterfat content of the milk of any handler allocated to any class pursuant to § 912.46 is more or less than 3.5 percent there shall be added to the respective class prices computed pursuant to § 912.50 for each one-tenth of 1 percent that the average butterfat content of such milk is above 3.5 percent or subtracted for each one-tenth of 1 percent that such average butterfat content is below 3.5 percent, an amount equal to the applicable butterfat differential computed as follows:

(a) *Class I milk.* Multiply by 1.40 the butter price for the preceding delivery period and divide the result by 10;

(b) *Class II milk.* Multiply the butter price by 1.20 and divide the result by 10; and

(c) *Class III milk.* Multiply the butter price by 1.20 and divide the result by 10.

§ 912.52 *Emergency price provisions.* Whenever the provisions of this part require the market administrator to use a specific price (or prices) for milk or any milk product for the purpose of determining class prices or for any other purpose and the price specified is not reported or published as indicated, the market administrator shall use a price determined by the Secretary to be equivalent to or comparable with the prices specified.

APPLICATION OF PROVISIONS

§ 912.55 *Application to producer-handlers.* Sections 912.40 to 912.46, 912.52, 912.60 to 912.62, 912.70 to 912.76 and 912.80 to 912.82, shall not apply to the handling of milk by a producer-handler.

§ 912.56 *Handlers subject to other Federal orders.* In the case of any handler who disposes of a greater portion of his milk as Class I milk in another marketing area regulated by another milk marketing order issued pursuant to the act, the provisions of this order shall not apply except that such handler shall, with respect to his total receipts of skim milk and butterfat, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

DETERMINATION OF UNIFORM PRICE

§ 912.60 *Computation of value of milk.* The value of the milk received during each delivery period by each handler from producers shall be a sum of money computed by the market administrator by multiplying the pounds of such milk in each class by the applicable class prices and adding together the resulting amounts: *Provided*, That, if the handler

had overrun of either skim milk or butterfat there shall be added to the above values an amount computed by multiplying the pounds of overrun by the applicable class prices.

§ 912.61 Computation of uniform price. For each delivery period the market administrator shall compute the uniform price per hundredweight for milk of 3.5 percent butterfat content received from producers as follows:

(a) Combine into one total the values computed pursuant to § 912.60 for all handlers who made the reports prescribed by § 912.30 and who made the payments pursuant to §§ 912.70 and 912.73 for the preceding delivery period;

(b) Add not less than one-half the cash balance on hand in the producer-settlement fund less the total amount of contingent obligations to handlers pursuant to § 912.75;

(c) Subtract, if the average butterfat content of the milk included in these computations is greater than 3.5 percent, or add, if such average butterfat content is less than 3.5 percent, an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 3.5 percent by the butterfat differential computed pursuant to § 912.71, and multiplying the resulting figure by the total hundredweight of such milk;

(d) Divide the resulting sum by the total hundredweight of milk included in these computations; and

(e) Subtract not less than 4 cents nor more than 5 cents from the amount per hundredweight computed pursuant to paragraph (d) of this section. The resulting figure shall be the uniform price for milk received from producers.

§ 912.62 Notification of handlers. On or before the 10th day after the end of each delivery period, the market administrator shall mail to each handler at his last known address, a statement showing:

(a) The classification and value of the milk received from producers by such handler;

(b) The applicable class prices and the uniform price; and

(c) The amount due such handler or the amount to be paid by such handler, as the case may be, pursuant to §§ 912.73 and 912.74.

PAYMENTS FOR MILK

§ 912.70 Time and method of payment. Each handler shall make payments as follows:

(a) On or before the 15th day after the end of the delivery period during which the milk was received, to each producer for milk, except that for which payment is made to a cooperative association pursuant to paragraph (b) of this section, at not less than the uniform price computed pursuant to § 912.61, subject to the butterfat differential computed pursuant to § 912.71.

(b) On or before the 12th day after the end of the delivery period during which the milk was received, to a cooperative association for milk which it caused to be delivered to such handler from producers' farms, of an amount equal to not less than the sum of the

individual payments otherwise payable to such producers.

§ 912.71 Producer butterfat differential. In making payments pursuant to § 912.70 there shall be added to or subtracted from the uniform price for each one-tenth of one percent that the average butterfat content of the milk received from producers is above or below 3.5 percent, an amount computed by multiplying the butter price by 1.20 and dividing the resulting sum by 10.

§ 912.72 Producer-settlement fund. The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 912.73 and 912.75 and out of which he shall make all payments to handlers pursuant to §§ 912.74 and 912.75.

§ 912.73 Payments to the producer-settlement fund. On or before the 12th day after the end of each delivery period, each handler shall pay to the market administrator the amount by which the utilization value of the milk received by such handler from producers during such delivery period is greater than the amount required to be paid by such handler pursuant to § 912.70.

§ 912.74 Payments out of the producer-settlement fund. On or before the 12th day after the end of each delivery period, the market administrator shall pay to each handler the amount by which the utilization value of the milk received by such handler from producers during the delivery period is less than the amount required to be paid producers by such handler pursuant to § 912.70: *Provided*, That, if the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available. No handler who has not received the balance of such payments from the market administrator shall be considered in violation of § 912.70 if he reduces his payments to producers by not more than the amount of the reduction in payment from the producer-settlement fund.

§ 912.75 Adjustment of errors in payments. Whenever audit by the market administrator of any handler's reports, books, records or accounts discloses errors resulting in moneys due (a) the market administrator from such handler, (b) such handler from the market administrator, or (c) any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any amount so due, and payment thereof shall be made on or before the next date for making payments set forth in the provision under which such error occurred.

§ 912.76 Interest on overdue accounts. Any unpaid obligation of a handler or of the market administrator pursuant to §§ 912.72, 912.73, 912.74, 912.75, 912.80 and 912.81 shall be increased one-half of one percent on the first day of the calendar month next following the due

date of such obligation and on the first day of each calendar month thereafter until such obligation is paid.

MISCELLANEOUS PROVISIONS

§ 912.80 Expense of administration. As his pro rata share of the expense of administration of this part, each handler shall pay to the market administrator on or before the 12th day after the end of the delivery period, 4 cents per hundredweight, or such lesser amount as the Secretary from time to time may prescribe with respect to all milk received within the delivery period from producers (including the handler's own production) and from sources other than producers or other handlers.

§ 912.81 Marketing services—(a) Deductions. Except as set forth in paragraph (b) of this section, each handler in making payments to producers (other than himself) pursuant to § 912.70 shall deduct 5 cents per hundredweight or such lesser amount as the Secretary from time to time may prescribe, and shall pay such deductions to the market administrator on or before the 12th day after the end of such delivery period. Such moneys shall be used by the market administrator to check weights, samples and tests of milk received from producers and to provide producers with market information; and

(b) In the case of producers for whom a cooperative association is actually performing the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deduction specified in paragraph (a) of this section, such deductions from the payments to be made to such producers as may be authorized by the membership agreement or marketing contract between such cooperative association and such producers and on or before the 12th day after the end of such delivery period pay such deduction to the cooperative association rendering such services.

§ 912.82 Termination of obligations. The provisions of this section shall apply to any obligation under this part for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such 2-year period, the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to the following information:

- (1) The amount of the obligation,
- (2) The month(s) during which the milk with respect to which the obligation exists, was received or handled, and
- (3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market admin-

istrator, the account for which it is to be paid;

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representative all books and records required by this order to be made available, the market administrator may, within the 2-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said 2-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives;

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation on the part of the handler against whom the obligation is sought to be imposed; and

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund is claimed, unless such handler, within the applicable period of time, files pursuant to section 8c (15) (A) of the act, a petition claiming such money.

§ 912.83 Agents. The Secretary may by designation in writing name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

EFFECTIVE TIME, SUSPENSION AND TERMINATION

§ 912.90 Effective time. The provisions of this part or any amendment to this part, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 912.91 Suspension or termination. The Secretary shall, whenever he finds this part or any provision of this part obstructs or does not tend to effectuate the declared policy of the act, terminate or suspend the operation of this part or such provision.

§ 912.92 Continuing obligations. If upon the suspension or termination of any or all of the provisions of this part, there are any obligations hereunder the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 912.93 Liquidation. Upon the suspension or termination of the provisions of this part, except this section, the market administrator or such other liquidating agent as the Secretary may designate, shall, if so directed by the Secretary liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all accounts, books, and records of the market administrator shall be transferred promptly to such liquidating agent. If upon liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay the necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

[F. R. Doc. 56-1857; Filed, Mar. 9, 1956; 8:53 a. m.]

[7 CFR Part 942]

[Docket No. AO-103-A14]

**MILK IN NEW ORLEANS, LOUISIANA
MARKETING AREA**

**NOTICE OF EXTENSION OF TIME FOR FILING
EXCEPTIONS TO RECOMMENDED DECISION
WITH RESPECT TO PROPOSED AMENDMENT
TO ORDER, AS AMENDED**

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and orders (7 CFR Part 900), notice is hereby given that the time for filing exceptions to the recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to a proposed amendment to the order, as amended, regulating the handling of milk in the New Orleans, Louisiana, marketing area, which was issued February 8, 1956 (21 F. R. 1128), is hereby extended until March 24, 1956.

Dated: March 7, 1956.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 56-1827; Filed, Mar. 9, 1956; 8:48 a. m.]

[7 CFR Part 945]

[945.901, Amdt. 4]

TOMATOES GROWN IN FLORIDA

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the Secretary of Agriculture is considering the approval of the amendment to the limitation of shipments hereinafter set forth, which was recommended by the Florida

Tomato Committee, established pursuant to Marketing Agreement No. 125 and Order No. 45 (7 CFR Part 945; 20 F. R. 7357), regulating the handling of tomatoes grown in Florida, issued under the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047).

Consideration will be given to any data, views, or arguments pertaining thereto, which are filed with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C., not later than 10 days following publication of this notice in the FEDERAL REGISTER. The proposals are as follows:

Amend the provisions of § 945.301 (b) (20 F. R. 8808, 21 F. R. 724, 936) by adding the following new subparagraph (2) immediately after present subparagraph (1) and by renumbering present subparagraphs (2) through (6), inclusive, as subparagraphs (3) through (7), respectively:

(2) During the period from April 2, 1956, to May 31, 1956, both dates inclusive, and subject to the requirements of subparagraph (1) of this paragraph, no person shall handle mature green tomatoes of any variety unless they are packed within one of the following ranges of diameters (expressed in terms of minimum and maximum):

Size arrangements	Diameter (inches)
7 x 8.....	1 1/4 to 3/4, inclusive.
7 x 7.....	Over 3/4 to 2 1/2, inclusive.
6 x 7.....	Over 2 1/2 to 2 3/4, inclusive.
6 x 6 and larger.....	Over 2 3/4.

Such mature green tomatoes shall be packed separately for each size range, except that tomatoes falling within size arrangements 6 x 6 and larger may be commingled. To allow for variations incident to proper sizing, not more than a total of 10 percent, by count, of the mature green tomatoes in any lot may be smaller than the specified minimum diameter, or larger than the specified maximum diameter, except that not more than 5 percent, by count, of such tomatoes may be smaller than 1 1/4 inches in diameter. The requirements of this subparagraph shall be applicable only to mature green tomatoes: deemed to be tomatoes generally showing a slight break in the ground color to a whitish green or bright dark green color over the shoulders; the contents of the seed cavities will be slightly moist and of a jelly or glue-like consistency; the seeds will be well developed, slightly hard, and in slicing the fruit with a sharp knife will usually be pushed aside rather than cut; and the contents of two or more locules must have a jelly-like consistency and well developed seeds. The requirements of this subparagraph shall not be applicable to "pink" tomatoes (deemed to be tomatoes usually hard or firm to feel; which are turning in color, with most of the surface of the fruit ranging from green to yellow, but showing some pink or yellow at the blossom end) and

tomatoes having a greater degree of maturity.

Dated: March 7, 1956.

[SEAL] S. R. SMITH,
Director,
Fruit and Vegetable Division.

[F. R. Doc. 56-1855; Filed, Mar. 9, 1956;
8:52 a. m.]

[7 CFR Part 1013]

[Docket No. AO-279]

MILK IN PLATTE RIVER VALLEY MARKETING AREA

NOTICE OF HEARING ON PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) and in accordance with the applicable rules of practice and procedure, as amended (7 CFR Part 900), notice is hereby given on the public hearing to be held in the auditorium in the City Hall, Grand Island, Nebraska, beginning at 10:00 a. m., c. s. t., on April 10, 1956.

Subjects and issues involved in the hearing. This public hearing is for the purpose of receiving evidence with respect to economic and marketing conditions which relate to the handling of milk in the Platte River Valley marketing area.

The hearing on the proposed marketing agreement and order proposal therefore is to determine whether (1) the handling of milk in the area proposed to be regulated is in the current of interstate or foreign commerce or directly burdens, or obstructs, or affects interstate or foreign commerce, (2) the issuance of the marketing agreement and order regulating the handling of milk in the proposed marketing area is justified, and (3) the provisions specified in the proposal or some other provisions appropriate to the terms of the Agricultural Marketing Agreement Act of 1937, as amended, will best tend to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended.

Marketing Agreement and Order Regulating the Handling of Milk in the Platte River Valley Marketing Area Proposed by Central Nebraska Non-Stock Co-Op. Milk Association, Inc., Grand Island, Nebraska, and West Central Nebraska Milk Producers Association, North Platte, Nebraska

DEFINITIONS

§ 1013.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 1940 ed. 601 et seq.).

§ 1013.2 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States or any officer or employee of the United States Department of Agriculture authorized to exercise the powers or to perform the duties of the said Secretary of Agriculture.

§ 1013.3 *Department.* "Department" means the United States Department of Agriculture or any other Federal agency authorized to perform the price reporting functions specified in this part.

§ 1013.4 *Person.* "Person" means any individual, partnership, corporation, association or any other business unit.

§ 1013.5 *Cooperative association.* "Cooperative association" means any cooperative marketing association which the Secretary determines, after application of the association:

(a) Is qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act," and

(b) Has full authority in the sale of milk of its members and is engaged in making collective sales of or marketing milk or its products for its members.

§ 1013.6 *Platte River Valley marketing area.* "Platte River Valley marketing area" hereinafter called the "marketing area", means all the territory within the counties of Hall and Adams and within the corporate limits of the cities of Holdrege, Kearney, Lexington and North Platte, in the State of Nebraska.

§ 1013.7 *Producer.* "Producer" means any person, irrespective of whether such person is also a handler, who produces milk which is received at an approved plant: *Provided*, That such milk is (a) produced under a dairy farm permit or rating issued by a municipal or state health authority for the production of milk to be disposed for consumption as Grade A milk, or (b) acceptable to a Federal agency located within the marketing area. This definition shall include any such person who is regularly classified as a producer but whose milk is caused to be diverted to a nonpool plant by a handler and milk so diverted shall be deemed to have been received at a pool plant by the handler who caused it to be diverted.

§ 1013.8 *Pool plant.* "Pool plant" means (a) any plant from which a volume of Class I milk equal to more than an average of 600 pounds per day or not less than 5 percent of the approved milk of such plant, whichever is less, is disposed of during the month on routes (including routes operated by vendors) or through plant stores to retail or wholesale outlets (except other pool plants) located in the marketing area, (b) any plant which during the months of February through July ships Grade A milk or skim milk to a plant qualified pursuant to paragraph (a) of this section, or (c) any plant which during the months of August through January received milk from farmers holding dairy farm permits or ratings issued by a health authority having jurisdiction in the marketing area, and from which milk, skim milk or cream is moved during the month to a plant qualified pursuant to paragraph (a) of this section: *Provided*, That, if a portion of a plant is operated separately and no approved milk is received in such portion of the plant, it shall not be considered as

part of a pool plant pursuant to this section.

§ 1013.9 *Approved plant.* "Approved plant" means a pool plant or any plant from which Class I milk is delivered (including delivery by a vendor or sale from a plant store) during the month to retail or wholesale outlets (except pool plants) located in the marketing area.

§ 1013.10 *Nonpool plant.* "Nonpool plant" means any milk manufacturing, processing or bottling plant other than a pool plant.

§ 1013.11 *Handler.* "Handler" means any person in his capacity as the operator of an approved plant.

§ 1013.12 *Producer milk.* "Producer milk" means only that skim milk or butterfat contained in milk (a) received at the pool plant directly from producers, or (b) diverted from a pool plant to a nonpool plant in accordance with the conditions set forth in § 1013.11.

§ 1013.13 *Approved milk.* "Approved milk" means any skim milk or butterfat contained in producer milk or in milk, skim milk or cream which is received from a pool plant, except the plant of a producer-handler, and which is approved by the appropriate health authority for distribution as Class I milk in the marketing area.

§ 1013.14 *Other source milk.* "Other source milk" means all skim milk and butterfat contained in:

(a) Receipts during the month in the form of products designated as Class I milk pursuant to § 1013.41 (a), except (1) such products approved by the appropriate health authority for distribution as Class I milk in the marketing area received from pool plants, or (2) producer milk; and

(b) Products designated as Class II milk pursuant to § 1013.41 (b) (1) from any source (including those from a plant's own production), which are reprocessed or converted to another product in the plant during the month.

§ 1013.15 *Producer-handler.* "Producer-handler" means any person who produces milk and who operates an approved plant from which Class I milk is disposed of in the marketing area but who receives no milk from other dairy farmers.

§ 1013.16 *Chicago butter price.* "Chicago butter price" means the simple average as computed by the market administrator of the dairy wholesale selling prices (using the midpoint of any range as one price) per pound of 92-score bulk creamery butter at Chicago as reported during the month by the Department of Agriculture.

MARKET ADMINISTRATOR

§ 1013.20 *Designation.* The agency for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 1013.21 *Powers.* The market administrator shall have the following powers with respect to this part:

- (a) To administer its terms and provisions;
- (b) To receive, investigate and report to the Secretary complaints of violations;
- (c) To make rules and regulations to effectuate its terms and provisions; and
- (d) To recommend amendments to the Secretary.

§ 1013.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including but not limited to, the following:

(a) Within 30 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of the funds provided by § 1013.87 the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this part, and, upon request by the Secretary, surrender the same to such person as the Secretary may designate;

(f) Publicly announce, at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, after the date upon which he is required to perform such acts, has not made reports pursuant to §§ 1013.30 and 1013.31 or payments pursuant to §§ 1013.80, 1013.81, 1013.83, 1013.85, 1013.86 and 1013.87.

(g) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(h) Prepare and disseminate publicly such statistics and information as he deems advisable and as do not reveal confidential information;

(i) Verify all reports and payments by each handler by audit, if necessary, of such handler's records and the records of any other handler or person upon whose utilization the classification of skim milk and butterfat for such handler depends; and

(j) Publicly announce and notify each handler in writing on or before: (1) The 5th day of each month the Class I milk price pursuant to § 1013.51 (a) and the Class I butterfat differential pursuant to § 1013.52 (a), both for the current month; and the Class II milk price pursuant to § 1013.51 (b) and the Class II butterfat differential pursuant to § 1013.52 (b) both for the preceding

month, and (2) the 9th day after the end of each month, the uniform price pursuant to § 1013.71, and the butterfat differentials to be paid pursuant to § 1013.81.

REPORTS, RECORDS AND FACILITIES

§ 1013.30 *Reports of receipts and utilization.* On or before the 7th day after the end of each month each handler, except a producer-handler, shall report to the market administrator in the detail and on forms prescribed by the market administrator for each of his approved plants for such month as follows:

(a) The quantities of skim milk and butterfat contained in receipts of producer milk;

(b) The quantities of skim milk and butterfat contained in products designated as Class I milk pursuant to § 1013.41 (a) (1) received from other handlers;

(c) The quantities of skim milk and butterfat contained in other source milk;

(d) Inventories of products designated as Class I milk pursuant to § 1013.41 (a) (1) on hand at the beginning and end of the month; and

(e) The utilization of all skim milk and butterfat required to be reported pursuant to this section, including a separate statement of the disposition of Class I milk outside the marketing area.

§ 1013.31 *Other reports.* (a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

(b) Each handler, except a producer-handler, shall report to the market administrator in detail and on forms prescribed by the market administrator:

(1) On or before the 20th day after the end of the month for each of his pool plants, his producer payroll for such month which shall show for each producer: (i) His name and address, (ii) the total pounds of milk received from such producer, (iii) the number of days on which milk was received from such producer, if less than a full calendar month, (iv) the average butterfat content of such milk, and (v) the net amount of such handler's payment together with the price paid and the amount and nature of any deductions;

(2) On or before the first day other source milk is received in the form of milk, fluid skim milk or cream at his pool plant(s), his intention to receive such product and on or before the last day such product is received, his intention to discontinue receipt of such milk; and

(3) Such other information with respect to the utilization of butterfat and skim milk as the market administrator may prescribe.

§ 1013.32 *Records and facilities.* Each handler shall maintain and make available to the market administrator during the usual hours of business such accounts and records of his operations and such facilities as are necessary for the market administrator to verify or establish the correct data with respect to:

(a) The receipt and utilization of all skim milk and butterfat handled in any form;

(b) The weights and tests for butterfat and other content of all milk, skim milk, cream, and milk products handled;

(c) The pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream, and milk products on hand at the beginning and end of each month; and

(d) Payments to producers, including any deductions authorized by producers, and disbursement of money so deducted.

§ 1013.33 *Retention of records.* All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of 3 years to begin at the end of the calendar month to which such books and records pertain: *Provided*, That if, within such 3-year period, the market administrator notifies the handler in writing that the retention of such records, or of specific books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 1013.40 *Skim milk and butterfat to be classified.* The skim milk and butterfat at pool plants which is required to be reported pursuant to § 1013.30 shall be classified each month by the market administrator, pursuant to the provisions of §§ 1013.41 through 1013.46.

§ 1013.41 *Classes of utilization.* Subject to the conditions set forth in §§ 1013.43, 1013.44 and 1013.46, the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk (including concentrated and reconstituted skim milk) and butterfat (1) disposed of in the form of milk, skim milk, buttermilk, milk drinks (plain or flavored), cream (except frozen cream) and any mixture in fluid form of skim milk and cream (except ice cream, ice cream mixes, and sterilized products in hermetically sealed containers), and egg nog; and (2) not accounted for as Class II milk;

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat (1) used to produce any product other than those designated as Class I milk pursuant to paragraph (a) of this section; (2) contained in inventory of products designated as Class I milk pursuant to paragraph (a) of this section on hand at the end of the month; and (3) in shrinkage allocated to receipts of producer milk (except milk diverted to a nonpool plant pursuant to § 1012.7) but not in excess of 2 percent of such receipts of skim milk and butterfat, respectively; and (4) in shrinkage in other source milk.

§ 1013.42 *Shrinkage.* The market administrator shall allocate shrinkage over a handler's receipts as follows:

(a) Compute the total shrinkage of skim milk and butterfat for each handler; and

(b) Prorate the resulting amounts between the receipts of skim milk and butterfat contained in producer milk and in other source milk.

§ 1013.43 *Transfers.* Skim milk or butterfat derived from a pool plant shall be classified:

(a) As Class I milk if transferred in the form of products designated as Class I milk in § 1013.41 (a) (1) to a pool plant of another handler, except a producer-handler, unless utilization as Class II milk is claimed by both handlers in the reports submitted by them to the market administrator pursuant to § 1013.30: *Provided*, That the skim milk or butterfat so assigned to Class II milk shall be limited to the amount thereof remaining in Class II milk in the plant of the transferee-handler after the subtraction of other source milk pursuant to § 1013.46, and any additional amounts of such skim milk or butterfat shall be assigned to Class I milk; *And provided further*, That if either or both handlers have received other source milk, the skim milk or butterfat so transferred shall be classified at both plants so as to allocate the greatest possible Class I milk utilization to the producer milk of both handlers.

(b) As Class I milk if transferred to a producer-handler in the form of products designated as Class I milk in § 1013.41 (a).

(c) As Class I milk if transferred or diverted in bulk form as milk or skim milk to a nonpool plant located in the marketing area or not more than 250 miles by the shortest highway distance as determined by the market administrator from the nearest point in the marketing area unless:

(1) The handler claims Class II in his report submitted to the market administrator pursuant to § 1013.30.

(2) The buyer maintains books and records showing the utilization of all skim milk and butterfat at his plant which are made available, if requested by the market administrator for the purpose of verification; and

(3) Not less than an equivalent amount of skim milk and butterfat was actually used as Class II milk in such buyer's plant.

(d) As Class I milk if transferred in bulk form as cream to an unapproved plant unless:

(1) Such cream is transferred without Grade A certification of any health authority;

(2) The handler claims Class II in his report submitted to the market administrator pursuant to § 1013.30;

(3) The buyer maintains books and records showing the utilization of all skim milk and butterfat at his plant which are made available, if requested by the market administrator, for the purpose of verification; and

(4) Not less than an equivalent amount of skim milk and butterfat was actually used as Class II milk in such buyer's plant.

§ 1013.44 *Responsibility of handlers and reclassification of milk.* (a) In es-

tablishing the classification of skim milk and butterfat as required in § 1013.41 the burden rests upon the handler who receives such skim milk or butterfat from producers to prove to the market administrator that such skim milk or butterfat should not be classified as Class I milk; and

(b) Any skim milk or butterfat shall be reclassified if verification by the market administrator discloses that the original classification was incorrect.

§ 1013.45 *Computation of the skim milk and butterfat in each class.* For each month, the market administrator shall correct for mathematical and for other obvious errors the reports of receipts and utilization submitted by each handler and shall compute the pounds of butterfat and skim milk in each class for such handler: *Provided*, That if any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk used or disposed of in such product shall be considered to be an amount equivalent to the nonfat milk solids contained in such product, plus all of the water originally associated with such solids.

§ 1013.46 *Allocation of skim milk and butterfat classified.* After making the computations pursuant to § 1013.45, the market administrator shall determine the classification of producer milk for each handler as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II milk the pounds of skim milk assigned to producer milk pursuant to § 1013.41 (b) (3);

(2) Subtract from the remaining pounds of skim milk in Class II milk the pounds of skim milk in other source milk: *Provided*, That if the receipts of skim milk in other source milk are greater than the remaining pounds of skim milk in Class II milk, an amount equal to the difference shall be subtracted from the pounds of skim milk in Class I milk;

(3) Subtract from the remaining pounds of skim milk in Class II milk the pounds of skim milk contained in inventory of products designated as Class I milk pursuant to § 1013.41 (a) (1) on hand at the beginning of the month: *Provided*, That if the pounds of skim milk in such inventory are greater than the remaining pounds of skim milk in Class II milk, an amount equal to the difference shall be subtracted from the pounds of skim milk in Class I milk;

(4) Subtract from the remaining pounds of skim milk in each class the skim milk received from other handlers in the form of products designated as Class I milk in § 1013.41 (a) (1), according to its classification as determined pursuant to § 1013.43 (a);

(5) Add to the remaining pounds of skim milk in Class II milk the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph; and

(6) If the remaining pounds of skim milk in both classes exceed the pounds of skim milk contained in producer milk,

subtract such excess from the remaining pounds of skim milk in series beginning with Class II milk. Any amount so subtracted shall be known as "overage".

(b) Butterfat shall be allocated in accordance with the same procedure outlined for skim milk in paragraph (a) of this section; and

(c) Determine the weighted average butterfat content of the Class I and Class II milk allocated to producer milk.

MINIMUM PRICES

§ 1013.50 *Basic formula price.* The higher of the prices computed pursuant to paragraph (a) or (b) of this section, rounded to the nearest whole cent, shall be known as the basic formula price.

(a) The average of the basic of field prices per hundredweight reported to have been paid or to be paid for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or the Department:

Present Operator and Location

Borden Co., Pleasant, Mich.
Borden Co., New London, Wis.
Borden Co., Orfordville, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Sparta, Mich.
Pet Milk Co., Belleville, Wis.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Wayland, Mich.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) the price computed pursuant to § 1013.51 (b), plus 15 cents.

§ 1013.51 *Class prices.* Subject to the provisions of § 1013.52 the class prices per hundredweight shall be as follows:

(a) *Class I milk price.* The Class I milk price shall be the basic formula price for the preceding month, plus \$1.30; and

(b) *Class II milk price.* The Class II milk price shall be the price obtained by adding the amounts computed pursuant to subparagraphs (1) and (2) of this paragraph and rounding to the nearest cent.

(1) Multiply the Chicago butter price by 1.25, subtract 8 cents, and multiply by 3.5; and

(2) For each full one-half cent that the price of nonfat dry milk solids is above 6 cents per pound multiply by 3 cents and add 17 cents thereto. The price per pound of nonfat dry milk solids to be used shall be the weighted average of carlot prices for nonfat dry milk solids for human consumption, both spray and roller process, f. o. b. manufacturing plants in the Chicago area as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the Department.

§ 1013.52 *Butterfat differentials to handlers.* If the weighted average butterfat content of the milk received from producers classified, respectively, in Class I milk or Class II milk for a handler is more or less than 3.5 percent, there shall be added to, or subtracted from, the respective class price computed

pursuant to § 1013.51 for each one-tenth of 1 percent that such weighted average butterfat content is above or below 3.5 percent, a butterfat differential computed as follows:

(a) *Class I milk.* Add 2.6 cents to the butterfat differential computed pursuant to paragraph (b) of this section for the preceding month; and

(b) *Class II milk.* Multiply the Chicago butter price for the current month by 0.125, subtract 0.8 cent, and round to the nearest one-tenth cent.

§ 1013.53 *Use of equivalent prices.* If for any reason a price quotation required by this part for computing class prices or for other purposes is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

APPLICATION OF PROVISIONS

§ 1013.60 *Producer-handlers.* Sections 1013.40 through 1013.46, 1013.53, 1013.70, 1013.71, 1013.72, 1013.80 through 1013.93, shall not apply to a producer handler.

§ 1013.61 *Plants subject to other Federal orders.* A plant specified in paragraphs (a) and (b) of this section shall be considered as a nonpool plant except that the operator of such plant shall, with respect to the total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require (in lieu of the reports required pursuant to § 1013.30), and allow verification of such reports by the market administrator.

(a) Any plant qualified pursuant to § 1013.8 which would be subject to the classification and pricing provisions of another order issued pursuant to the act unless the Secretary determines that a greater volume of Class I milk is disposed of from such plant to retail or wholesale outlets (except approved plants) in the Platte River Valley marketing area than in the marketing area regulated pursuant to such other order;

(b) Any plant qualified pursuant to § 1013.8 (b) or (c) which would be subject to the classification and pricing provisions of another order issued pursuant to the act unless such plant has qualified as a pool plant pursuant to § 1013.8; and

(c) For each month during the preceding August through January period.

§ 1013.62 *Other source milk in Class I.* In the case of pool plants which are permitted by the applicable health authorities to receive and process non-Grade A milk, non-Grade A skim milk and butterfat in other source milk shall be allocated to Class I up to the extent of the actual disposition of non-Grade A skim milk and butterfat as Class I milk outside the marketing area in localities where Grade A milk is not required for Class I use.

DETERMINATION OF UNIFORM PRICES

§ 1013.70 *Computation of value of milk.* The value of milk received during each month by each handler at his pool

plant(s) from producers shall be a sum of money computed by the market administrator by multiplying the pounds of such milk in each class by the applicable class prices and adding together the resulting amounts and adding any amounts computed pursuant to paragraphs (a), (b) and (c) of this section.

(a) If the handler had overage of either skim milk or butterfat there shall be added to the above value an amount computed by multiplying the pounds of overage by the applicable class prices; and

(b) If any skim milk or butterfat in other source milk has been subtracted from Class I pursuant to § 1013.46 (a) (2) in any month the market administrator in computing the value of milk of such handler shall add an amount computed by multiplying the hundredweight of skim milk or butterfat so subtracted by the difference between the Class I and Class II prices.

§ 1013.71 *Computation of uniform price.* For each month the market administrator shall compute the uniform price per hundredweight of milk received from producers as follows:

(a) Combine into one total the values computed pursuant to § 1013.70 for all handlers who filed the reports prescribed by § 1013.30 and who made the payments pursuant to §§ 1013.80 and 1013.83 for the preceding month.

(b) Subtract during each of the months of April, May and June, an amount equal to 8 percent of the resulting sum;

(c) Add during each of the months of September, October and November one-third of the total amount subtracted pursuant to paragraph (b) of this section;

(d) Subtract if the average butterfat content of the milk included in these computations is more than 3.5 percent or add, if such butterfat content is less than 3.5 percent, an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 3.5 percent by the butterfat differential computed pursuant to § 1013.81 and multiplying the result by the total hundredweight of producer milk included in these computations;

(e) Add an amount equal to not less than one-half of the unobligated balance in the producer-settlement fund;

(f) Divide the resulting sum by the total hundredweight of milk included in these computations; and

(g) Subtract not less than 4 cents nor more than 5 cents per hundredweight for the purpose of retaining in the producer-settlement fund a cash balance to provide against errors in reports and payments or delinquencies in payments by handlers. The result shall be known as the "uniform price" for milk received from producers.

§ 1013.72 *Notification of handlers.* On or before the 9th day of each month the market administrator shall notify each handler of:

(a) The amount and value of his milk in each class computed pursuant to §§ 1013.46 and 1013.70 and the totals of such amounts and values;

(b) The uniform price computed pursuant to § 1013.71;

(c) The amount, if any, due such handler from the producer-settlement fund;

(d) The total amounts to be paid by such handler pursuant to §§ 1013.80 and 1013.83; and

(e) The amount to be paid by such handler pursuant to § 1013.87.

PAYMENTS

§ 1013.80 *Time and method of payment.* On or before the 12th day after the end of each month, each handler shall make payment for milk received from producers or cooperative associations as follows:

(a) To each producer for milk, for which payment is not made to a cooperative association pursuant to paragraph (b) of this section, at not less than the uniform price computed in accordance with § 1013.71, subject to the butterfat differential computed pursuant to § 1013.81; and

(b) To a cooperative association for milk which it caused to be delivered to such handler from producers, if such cooperative association is authorized to collect such payment for its member producers and wishes to exercise such authority, an amount equal to not less than the sum of the individual payments otherwise payable to such producers.

§ 1013.81 *Butterfat differential to producers.* If any handler has received from any producer during the month, milk having an average butterfat content other than 3.5 percent, such handler, in making the payment pursuant to § 1013.80 shall add to the uniform price for each one-tenth of 1 percent that the average butterfat content of such milk is above 3.5 percent, not less than, or shall subtract for each one-tenth of 1 percent that the average butterfat content of such milk is below 3.5 percent not more than an amount computed as follows: Add 20 percent to the butter price, divide the resulting sum by 10, and adjust to the nearest cent.

§ 1013.82 *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 1013.83 and 1013.85 and out of which he shall make all payments to handlers pursuant to §§ 1013.84 and 1013.85: *Provided,* That the market administrator shall offset any payment due any handler against payments due from such handler.

§ 1013.83 *Payments to the producer-settlement fund.* On or before the 10th day after the end of each month each handler who operates a pool plant shall pay to the market administrator for payment to producers through the producer-settlement fund the amount, if any, by which the total value computed for him pursuant to § 1013.70 for such month is greater than the sum required to be paid by such handler pursuant to § 1013.80.

§ 1013.84 *Payments out of the producer-settlement fund.* On or before the 12th day after the end of each month,

the market administrator shall pay to each handler, for payment to producers, the amount, if any, by which the sum required to be paid by such handler pursuant to § 1013.80 is more than the total value computed for him pursuant to § 1013.70.

§ 1013.85 Adjustment of accounts. Whenever verification by the market administrator of reports or payments of any handler discloses errors in payments to or from the producer-settlement fund pursuant to §§ 1013.83 and 1013.84, the market administrator shall promptly bill such handler for any unpaid amounts and such handler shall, within 5 days of such billing, make payment to the market administrator of the amount so billed. Whenever verification discloses that payment is due from the market administrator to any handler, the market administrator shall, within 5 days, make such payment to such handler.

§ 1013.86 Adjustment of errors in payments to producers. Whenever verification by the market administrator of the payments by a handler to any producer or cooperative association, discloses payment of less than is required by § 1013.80 the handler shall make up such payment to the producer or cooperative association not later than the time of making payments next following such disclosure.

§ 1013.87 Expense of administration. As his pro rata share of the expense of administration of this part, each handler shall pay to the market administrator on or before the 12th day after the end of the month for such month 4 cents per hundredweight, or such amount not exceeding 4 cents per hundredweight, as the Secretary may prescribe with respect to all (a) receipts of producer milk including such handler's own production, (b) other source milk at a pool plant which is classified as Class I milk, and (c) Class I disposed of during the month on routes (including routes operated by vendors) to retail or wholesale outlets (except fluid milk plants) located in the marketing area from a nonpool plant.

§ 1013.88 Termination of obligations. The provisions of this section shall apply to any obligation under this part for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

- (1) The amount of the obligation;
- (2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and
- (3) If the obligation is payable to one or more producers or to an association of

producers, the names of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representative all books and records required by this part to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives;

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed; and

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler within the applicable period of time, files pursuant to section (1) (a) of the act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 1013.90 Effective time. The provisions of this part or any amendment to this part shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 1013.91.

§ 1013.91 Suspension or termination. The Secretary may suspend or terminate this part, or any provision of this order, whenever he finds this part, or any provision of this order, obstructs or does not tend to effectuate the declared policy of the act. This part shall terminate in any event whenever the provisions of the act authorizing it cease to be in effect.

§ 1013.92 Continuing obligations. If, upon the suspension or termination of any or all provisions of this part, there are any obligations under this part, the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 1013.93 Liquidation. Upon the suspension or termination of the provisions of this part except this section, the mar-

ket administrator, or such other liquidating agent as the Secretary may designate, shall if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books, and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 1013.94 Agents. The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

§ 1013.95 Separability of provisions. If any provision of this part or its application to any person or circumstances, is held invalid, the application of such provision and of the remaining provisions of this part to other persons or circumstances shall not be affected thereby.

ADDITIONAL PROPOSALS

Proposed by Beatrice Foods Co:

1. The definition section to include an "exempt milk" provision, "exempt milk" meaning:

(a) Milk received by a handler from a nonhandler's plant for processing and/or bottling and for which an equivalent quantity of packaged milk is returned to the operator of the nonhandler's plant during the same delivery period;

(b) Received in package form from a nonhandler's plant in return for an equivalent quantity of bulk milk, skim milk or butterfat moved from the plant of a handler to the nonhandler's plant for processing and bottling during the same delivery period; and

(c) In package form from a nonhandler's plant in return for an equivalent quantity of packaged milk, skim milk or butterfat moved from the plant of a handler to the nonhandler's plant during the same delivery period.

2. Reporting section should include provisions for reporting "exempt milk" separate from receipts of producer milk and other source milk.

3. Provide in the Allocation section that "exempt milk" be allocated to the class in which it was used prior to the allocation of either producer milk or other source milk.

4. Class II milk shall include all skim milk and butterfat accounted for:

(a) As having been used to produce any product other than those specified in Class I, including butter, plain or sweetened condensed or evaporated milk, spray or roller process powdered milk, ice cream, ice cream mix, frozen desserts, egg nog, aerated cream products, cheese

(including cottage cheese), casein and any manufactured or sterilized dairy product;

(b) Or which is accounted for in cream (frozen and stored), in skim milk dumped;

(c) Or as having been disposed of for livestock feed or in bulk to commercial bakeries or food product manufacturing plants;

(d) In shrinkage of skim milk or butterfat; and

(e) In inventory variation.

5. The Transfer section should provide that automatic classification shall not be applied on movements of fluid milk in bulk form where such milk is moved less than 325 miles from the marketing area.

6. We propose that handlers' obligation for settlement, in payment to producer be provided on an individual handler's basis.

Proposed by Abbott's Dairy, Hastings, Nebraska:

7. Provide that the producers' association pay the added cost of milk shipped into the market during the season of short supply when producer receipts are inadequate for the requirements of the market.

8. Make some provision in the order regarding the buying of milk in bulk tanks.

9. Make some provision in the order for pricing surplus Grade A milk put in a bottle and sold in non-Grade A markets.

10. Make some provision in the order for pricing surplus Grade A milk when there is no other use for it except the churning of butter.

Copies of this notice of hearing may be procured from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D. C., or may be there inspected.

Dated: March 7, 1956.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 56-1856; Filed, Mar. 9, 1956;
8:52 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR Part 526]

INDUSTRIES OF A SEASONAL NATURE

PRELIMINARY DETERMINATION REGARDING CLEANING AND PREPARING OF CERTAIN SEEDS

In a determination published in the July 23, 1940, issue of the FEDERAL REGISTER (5 F. R. 2640), it was found that the cleaning and preparing of certain specified grass, clover and other forage seed crops in cleaning plants engaged primarily in such cleaning and preparing is a branch of an industry and is of a seasonal nature within the meaning of section 7 (b) (3) of the Fair Labor Standards Act. Applications have been filed by The Southern Seedsmen's Association, Northrup, King and Company, and other parties for amendment of that determination to include the cleaning and preparing of additional seeds.

It appears from the applications that:

1. Alfalfa, bermuda grass, bluegrass, clover, cow peas, fescue, grain sorghum, lespedeza, lupine, orchard grass, sudan grass, vetch and wheat grass seeds, including all varieties of the above, are customarily cleaned and prepared in country cleaning plants which engage primarily in cleaning and preparing these seeds or the seeds specified in the current determination.

2. Country cleaning plants receive the seeds directly from farmers immediately after threshing, and clean and prepare them immediately to prevent deterioration.

3. These country cleaning plants receive for cleaning and preparing more than 50 percent of the annual volume in a period or periods amounting in the aggregate to not more than 14 work-weeks.

Accordingly, upon consideration of the facts stated in the applications, the Administrator hereby determines, pursuant to authority under section 7 (b) (3) of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), and Regulations Part 526 (29 CFR Part 526), that a prima facie case has been shown for amendment of the determination made on July 23, 1940, to include the cleaning and preparing of all varieties of alfalfa, bermuda grass, bluegrass, clover, cow peas, fescue, grain sorghum, lespedeza, lupine, orchard grass, sudan grass, vetch and wheat grass seeds.

It appears desirable, also, to incorporate into this determination the following determinations previously made with respect to branches of the seed industry: the cleaning and processing of redtop seed, issued March 19, 1940 (5 F. R. 1096), and the cleaning, bagging and handling in cleaning plants of sugar beet seed, issued March 21, 1940 (5 F. R. 1117).

As amended, the determination will apply to the receiving, cleaning and preparing of all varieties of alfalfa, Austrian winter peas, bermuda grass, bent grass, bluegrass, clover, cow peas, fescue, grain sorghum, lespedeza, lupine, orchard grass, redtop, ryegrass, sudan grass, sugar beet, vetch and wheat grass seeds by country cleaning plants primarily engaged in such cleaning and preparing; the receiving, cleaning and preparing of other kinds of seeds by such plants; and any operations or services necessary or incident to the foregoing, including packing and shipping, during the period or periods when seeds are being received, cleaned and prepared.

For the purpose of this determination, the term "cleaning and preparing" means cleaning, purifying, sorting, drying, grading and otherwise conditioning seed for planting purposes. The term "country cleaning plant primarily engaged in such cleaning and preparing" means a seed cleaning and preparing establishment in which all the seeds cleaned and prepared are received directly from farmers or farm assemblers (and no part of which is shipped from other cleaning plants), and in which the specifically named seeds either individually or in combination constitute 75

percent or more of the seeds cleaned and prepared.

If no objection and request for hearing is received within 15 days following the publication of this preliminary amendment to the determination, the Administrator, pursuant to § 526.6 (b) (2) of the regulations, will make a finding upon the prima facie case. Objections and request for hearing from any interested person should be submitted in writing to the Wage and Hour Division, Department of Labor Building, Fourteenth Street and Constitution Avenue NW., Washington 25, D. C. The applications for exemption may be examined in Room 5413 at this address.

Signed at Washington, D. C., this 7th day of March 1956.

NEWELL BROWN,
Administrator,
Wage and Hour Division.

[F. R. Doc. 56-1731; Filed, Mar. 9, 1956;
8:45 a. m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 120]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

NOTICE OF FILING OF PETITIONS FOR ESTABLISHMENT OF TOLERANCES FOR RESIDUES OF 3-(p-CHLOROPHENYL)-1,1-DIMETHYLUREA AND 3-(3,4-DICHLOROPHENYL)-1,1-DIMETHYLUREA

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (d) (1), 68 Stat. 512; 21 U. S. C. 348 (d) (1)), the following notice is issued:

Petitions have been filed by E. I. du Pont de Nemours and Company, Inc., Wilmington, Delaware, proposing the establishment of the following tolerances:

1. For residues of 3-(p-chlorophenyl)-1,1-dimethylurea, a tolerance of 1 part per million on grapes.

2. For residues of 3-(3,4-dichlorophenyl)-1,1-dimethylurea, a tolerance of 1 part per million on potatoes.

The analytical method proposed for the determination of residues of 3-(p-chlorophenyl)-1,1-dimethylurea is reported in "Determination of 3-(p-chlorophenyl)-1,1-dimethylurea in Soils and Plant Tissues," by W. E. Bleidner, H. M. Baker, Michael Levitsky, and W. K. Lowen, published in the Journal of Agricultural and Food Chemistry, Volume 2, pages 476-479 (April 28, 1954).

The same method is proposed for the determination of residues of 3-(3,4-dichlorophenyl)-1,1-dimethylurea, with the following modifications:

1. 50 percent caustic is more suitable for digesting potato tubers than the strength specified under determination, page 477 [Page number references in this and following paragraphs are to the method referred to above, published in the Journal of Agricultural and Food Chemistry,] therefore:

a. If the continuous digestion-extraction apparatus (Figure 1) is employed, add approximately 700 milliliters of 50 percent caustic rather than the 500 milliliters of distilled water plus 190-200 milliliters 50 percent caustic specified.

b. If the apparatus shown in Figure 2 is employed, 400 milliliters of 50 percent caustic is used instead of the specified volume of 15 percent caustic.

2. For calibration, 3,4-dichloroaniline is used in place of p-chloroaniline.

3. Hexane is the recommended solvent.

4. Under calibration, page 477: Following the dilution of the aliquot to 40 milliliters with 1.0 N HCl, 5 milliliters of glacial acetic acid is added. The sodium nitrite is then added and the color development completed as described. Fifteen minutes after the addition of the N-(1-naphthyl)-ethylenediamine dihydrochloride, the intensity of the color is determined at approximately 560 mμ with a filter photometer.

5. Under determination, page 479: Following placement of the aliquot into

a 50-milliliter volumetric flask, the aliquot is diluted to 40 milliliters with 1.0 N HCl and 5 milliliters glacial acetic acid is added. The color is then developed and read as before.

6. In the equation on page 479, the factor should be changed from 1.56 to 1.44.

Dated: March 5, 1956.

[SEAL]

GEO. P. LARRICK,

Commissioner of Food and Drugs.

[F. R. Doc. 56-1811; Filed, Mar. 9, 1956; 8:45 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

National Park Service

[Hawaii National Park Order 1, Amdt. 1]

ASSISTANT SUPERINTENDENT AND
ADMINISTRATIVE OFFICER

DELEGATION OF AUTHORITY TO EXECUTE AND
APPROVE CERTAIN CONTRACTS

FEBRUARY 16, 1956.

Order No. 1, issued September 2, 1955 (20 F. R. 7274) is amended as follows:
Section 2 Appeals is revoked.

(National Park Service Order No. 14 (19 F. R. 8824); 39 Stat. 553; 16 U. S. C., 1952 ed., sec. 2, Region Four Order No. 2 (19 F. R. 8826))

[SEAL]

JOHN B. WOSKY,
Superintendent,
Hawaii National Park.

[F. R. Doc. 56-1813; Filed, Mar. 9, 1956; 8:45 a. m.]

[Crater Lake National Park and Oregon Caves
National Monument Order 1, Amdt. 1]

ADMINISTRATIVE OFFICER

DELEGATION OF AUTHORITY

JANUARY 27, 1956.

Order No. 1, issued July 1, 1955 (20 F. R. 5333), is amended as follows:
Section 2 Appeals is revoked.

(National Park Service Order No. 14 (19 F. R. 8824); 39 Stat. 535; 16 U. S. C., 1952 ed., sec. 3, Region Four Order No. 2 (19 F. R. 8826))

[SEAL]

THOMAS J. WILLIAMS,
Superintendent, Crater Lake
National Park and Oregon
Caves National Monument.

[F. R. Doc. 56-1814; Filed, Mar. 9, 1956; 8:46 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

HENRI BOUTILLON

NOTICE OF INTENTION TO RETURN VESTED
PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereon-

der and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Henri Boutillon, 9, Rue de Saint-Cloud, Suresnes (Seine) France, Claim No. 41891, Vesting Order No. 293; property described in Vesting Order No. 293 (7 F. R. 9836, November 26, 1942) relating to United States Patent Application Serial No. 268,499 (now United States Letters Patent No. 2,465,997).

Executed at Washington, D. C., on March 2, 1956.

For the Attorney General.

[SEAL]

PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 56-1839; Filed, Mar. 9, 1956; 8:50 a. m.]

FRANCESCA GIANNINI ET AL.

NOTICE OF INTENTION TO RETURN VESTED
PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Francesca Giannini, Pontetto, Lucca, Italy, Claim No. 61350; Cesare Buchignani, Pontetto, Lucca, Italy, Claim No. 61349; Vincent Buchignani, Los Angeles, California, Claim No. 64050; Eva Buchignani Keithley, Los Angeles, California, Claim No. 64062; Alberto Lazzerini, Sacramento, California, Angelo Lazzerini, Teresa Lazzerini Tognetti, Amalia Lazzerini Buchignani, Ida Lazzerini Stefani, Pia Lazzerini, Maria, Lucca, Italy, Claim No. 61351; Vesting Order No. 8246.

To Francesca Giannini, \$5,331.76 in the Treasury of the United States.
To Cesare Buchignani, Vincent Buchignani and Eva Buchignani Keithley, \$5,213.29 in the Treasury of the United States.

To Alberto Lazzerini, Angelo Lazzerini, Teresa Lazzerini Tognetti, Amalia Lazzerini Buchignani, Ida Lazzerini Stefani and Pia Lazzerini, \$5,331.73 in the Treasury of the United States.

To Francesca Giannini, one-third (1/3), to Cesare Buchignani, Vincent Buchignani and Eva Buchignani Keithley, one-third (1/3)

and to Alberto Lazzerini, Angelo Lazzerini, Teresa Lazzerini Tognetti, Amalia Lazzerini Buchignani, Ida Lazzerini Stefani and Pia Lazzerini, one-third (1/3) of the following securities presently located at the Federal Reserve Bank of New York, New York, New York:

103 1/2 shares of the capital stock of Transamerica Corporation, Delaware, evidenced by Certificates Nos. SF 70286 for 100 shares, SF 14674 for 3 shares and SF 32198 for 1/2 share, registered in the name of the Attorney General of the United States.

5 shares of the capital stock of Blair Holdings Corporation, New York, evidenced by Certificate No. SHP 7801, registered in the name of the Attorney General of the United States.

96 shares of the common capital stock of Bank of America National Trust & Savings Association, California, evidenced by Certificates Nos. S 70824 for 8 shares, S 62121 for 83 shares and T 200439 for 5 shares, registered in the name of the Attorney General of the United States.

All right, title, interest and claim of any kind or character whatsoever of Francesca Giannini, Cesare Buchignani, Vincent Buchignani, Eva Buchignani Keithley, Alberto Lazzerini, Angelo Lazzerini, Teresa Lazzerini Tognetti, Ida Lazzerini Stefani, Amalia Lazzerini Buchignani and Pia Lazzerini in and to the Estate of Angelo Frediani, also known as A. Frediani, deceased.

Executed at Washington, D. C., on March 2, 1956.

For the Attorney General.

[SEAL]

PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 56-1840; Filed, Mar. 9, 1956; 8:50 a. m.]

PAOLA DE GUNDERRODE

NOTICE OF INTENTION TO RETURN VESTED
PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Paola de Gunderrode, married Bevilacqua, Sorrento, Naples, Italy, Claim No. 35293, Vesting Order No. 2753; all right, title, in-

terest and claim of any kind or character whatsoever of Paola de Gunderode, married Bevilacqua, in and to trusts established pursuant to Subdivision 22 of Article 4 of the Will of Richard Delafield, deceased, presently in the process of administration by the Chase Manhattan Bank, successor to the Chase National Bank of New York, as trustee, acting under the judicial supervision of the Surrogate's Court, Orange County, New York.

Executed at Washington, D. C., on March 2, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 56-1841; Filed, Mar. 9, 1956; 8:50 a. m.]

JETTY AND GOLDA MARGULIES

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Jetty Margulies and Golda Margulies Tel-Aviv, Israel, Claim No. 61267, Vesting Order No. 4236 and 5664; to each claimant \$746.92 in the Treasury of the United States.

Executed at Washington, D. C., on March 2, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 56-1842; Filed, Mar. 9, 1956; 8:50 a. m.]

OTTO ORSIKOWSKY

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Otto Orsikowsky, calle Alenza, 34, Madrid, Spain, Claim No. 63104, Vesting Order No. 9068; \$1,685.33 in the Treasury of the United States.

One (1) Konversionskasse fur Deutsche Auslandsschulden fractional certificate, 3% Series D Bond No. 69597, in the principal amount of \$100.00, presently in the custody of the Federal Reserve Bank of New York.

Three (3) Konversionskasse fur Deutsche Auslandsschulden fractional certificates, 3% Series B Bonds Nos. 283455, 283456 and 283457, in the principal amount of \$20.00 each, and one (1) Konversionskasse fur

Deutsche Auslandsschulden fractional certificate, 3% Series B Bond No. 035217, in the principal amount of \$2.50, all of which are presently in the custody of the Federal Reserve Bank of New York.

Executed at Washington, D. C., on March 2, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 56-1843; Filed, Mar. 9, 1956; 8:50 a. m.]

KARL PAULIN AND AGNES PAWLICZEK

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Karl Paulin, 4 Heuplatz, Klagenfurt, Austria, Claims Nos. 42686 and 42687, Vesting Order No. 4606; \$325.74 in the Treasury of the United States.

Agnes Pawliczek, 6 Siebenbrunnengasse, Vienna, Austria, Claim No. 42686, Vesting Order No. 4606; \$40.72 in the Treasury of the United States.

Executed at Washington, D. C., on March 2, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 56-1844; Filed, Mar. 9, 1956; 8:50 a. m.]

SARA WERTHEIMER

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Sara Wertheimer, Aix-les-Bains (Savoie), France, Claim No. 58604, Vesting Order No. 10250; \$310.69 in the Treasury of the United States.

Executed at Washington, D. C., on March 2, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 56-1845; Filed, Mar. 9, 1956; 8:51 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

JUDSON SHELTON DIVISION OF NATIONAL CARLOADING CORP. ET AL.

NOTICE OF AGREEMENT FILED FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to § 15 of the Shipping Act, 1916, 39 Stat. 733, 46 U. S. C. 814.

(1) Agreement No. 8330 between Judson Sheldon Division of National Carloading Corporation, James Loudon & Co., Inc., and eighteen other registered ocean freight forwarders, provides for the creation of a conference to be known as the Pacific Coast Ocean Freight Forwarders Conference, to promote commerce of the United States; to promote sound, ethical and honorable business dealings and practices among those engaged in the ocean freight forwarding business and between those engaged in such business, on the one hand, and, on the other hand, shippers and receivers of freight and common carriers by water; to promote harmonious relationships between exporters, common carriers by water, steamship conferences, and the members of this Conference; and to provide a means of establishing charges to be assessed by ocean freight forwarders in connection with shipments moving via a Pacific Coast port.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: March 7, 1956.

By order of the Federal Maritime Board.

[SEAL] GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 56-1836; Filed, Mar. 9, 1956; 8:49 a. m.]

[Docket No. M-64]

PACIFIC FAR EAST LINE, INC.

NOTICE OF HEARING ON APPLICATION TO BAREBOAT CHARTER SEVEN DRY-CARGO VESSELS

Pursuant to section 5 (e) of the Merchant Ship Sales Act, 1946, as amended (Pub. Law 591, 81st Cong.), notice is hereby given that public hearing will be held at Room 4519, New GAO Building, Fifth and G Streets NW., Washington, D. C., on March 14, 1956, at 2:00 p. m., upon the application of Pacific Far East Line, Inc., to bareboat charter seven (7) Victory type dry cargo vessels for operation on Trade Route 29 (California Ports/Far East) in the carriage of outbound bulk iron ore, bulk petroleum coke, and other commodities in bulk for a minimum period of ninety (90) days.

The purpose of the hearing is to receive evidence with respect to whether the service for which such vessels are proposed to be chartered is required in the public interest and is not adequately served, and with respect to the availability of privately owned American-flag vessels for charter on reasonable conditions and at reasonable rates for use in such service. Evidence also will be received with respect to any restrictions or conditions that may under the statutes be included in the charter if the application should be granted.

All persons having an interest in the application will be given an opportunity to be heard if present.

The parties may have oral argument immediately after the receipt of evidence.

Dated: March 8, 1956.

By order of the Federal Maritime Board.

[SEAL] GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 56-1922; Filed, Mar. 9, 1956;
8:58 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 6211 et al.]

SERVICE TO LIBERAL CASE

NOTICE OF HEARING

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a) and 1001 of the act, that a hearing in the above-entitled proceeding is assigned to be held on March 20, 1956, at 10:00 a. m., c. s. t., at the Lassen Hotel, Wichita, Kansas, before Examiner Merritt Ruhlen.

Notice is further given that any person not a party to the proceeding desiring to be heard in opposition to the matters set forth in the case must file with the Board on or before March 20, 1956, a statement setting forth issues of fact or law which he desires to contest. Any person filing such a statement may appear and participate at the hearing in accordance with § 302.14 of the procedural regulations under Title IV of the Civil Aeronautics Act, as amended.

For further details of the proceeding and issues involved, interested persons are referred to the applications consolidated in the proceeding by Order No. E-10060, and to the report of the prehearing conference in the case on file with the Civil Aeronautics Board.

Dated at Washington, D. C., March 6, 1956.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 56-1884; Filed, Mar. 9, 1956;
8:57 a. m.]

[Docket No. 7735]

ST. LOUIS-SOUTHEAST SERVICE CASE

NOTICE OF PREHEARING CONFERENCE

Pursuant to Board Order No. E-10063, notice is hereby given that a prehearing

conference in the above-entitled proceeding is assigned to be held on March 22, 1956, at 10:00 a. m., c. s. t., Room E-210, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner William J. Madden.

It is contemplated that at this conference consideration will be given to consolidating all or part of the following applications for hearing and decision.

Braniff Airways; Docket No. 7748.
Trans World Airlines, Inc.; Docket No. 7268.
Delta Air Lines, Inc.; Docket No. 7754.

Attention is directed to the § 302.12 (b) of the Board's rules of practice which specifies: "A motion to consolidate or contemporaneously consider an application with any other application shall be filed not later than the prehearing conference in the proceeding with which consolidation or contemporaneous consideration is requested, and shall relate only to a then pending application."

In order to facilitate conduct of the conference and in accord with the above rule it is requested that any party desiring to prosecute an application in this proceeding file on or before March 15, 1956, a motion for consolidation with Examiner Madden and/or any new applications for which consolidation may be sought. Copies of such motions should be served on all applicants listed above.

In addition, it is requested that any "request for evidence" be transmitted to the examiner and to the party from whom the evidence is sought on or before March 15, 1956.

Counsel will be expected to state the views of their client with respect to issues discussed during the course of this conference.

Dated at Washington, D. C., March 7, 1956.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 56-1885; Filed, Mar. 9, 1956;
8:57 a. m.]

[Docket No. SA-316]

ACCIDENT OCCURRING AT OWENSBORO, KY.

NOTICE OF HEARING

In the matter of investigation of accident involving aircraft of United States Registry N 445A, which occurred at Owensboro, Kentucky, February 17, 1956.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly section 702 of said act, in the above-entitled proceeding that hearing is hereby assigned to be held on Thursday, March 22, 1956, at 9:00 a. m. (local time) in the Ballroom of the Owensboro Hotel, Owensboro, Kentucky.

Dated at Washington, D. C., March 6, 1956.

[SEAL] THOMAS K. McDILL,
Presiding Officer.

[F. R. Doc. 56-1886; Filed, Mar. 9, 1956;
8:57 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 11076, 11620; FCC 56M-220]

SOUTHERN INDIANA BROADCASTERS, INC. AND
LAWRENCEVILLE BROADCASTING CO.

FIRST STATEMENT CONCERNING PRE-HEARING
CONFERENCES AND ORDER CONTINUING
HEARING

In re applications of Southern Indiana Broadcasters, Inc., Newburgh, Indiana, Docket No. 11076, File No. BP-9063; Ray J. Lankford, George R. Lankford and Stuart K. Lankford, d/b as Lawrenceville Broadcasting Company, Lawrenceville, Illinois, Docket No. 11620, File No. BP-9583; for construction permits.

1. The first pre-hearing conference was held herein on February 28, 1956. Both applicants and the Commission's Broadcast Bureau were represented by counsel.

2. Agreements were reached among the parties and stated on the record, as reflected in the transcript which is incorporated herein by reference. Such agreements are found to be acceptable and approved by the Hearing Examiner. They include the following:

(a) The direct cases, in written form, shall be prepared as follows: (Tr. 13-17.)

(1) The testimony of each witness shall be prepared in narrative form and shall be submitted under the affidavit of the particular witness.

(2) All narrative statements (except engineering exhibits) shall be prepared in double-spaced form; each page and each line shall be numbered, and carbon copies shall not be acceptable.

(3) Parties shall be designated by abbreviated names, as follows: Southern, Lawrenceville, and Commission Counsel.

(4) Each party shall mark each of its exhibits with its name and a number. Narrative statements shall be numbered in series, beginning with one. An exhibit connected with a narrative statement shall be given the same number as the narrative statement, plus an identifying letter in series, such as "Southern No. 1-A." (Engineering exhibits may vary from this style.)

(b) Where the direct case in written form contains testimony of witnesses whose direct testimony appropriately could have been taken by deposition, parties will not object to taking cross-examination of such witnesses through deposition procedures rather than requiring those witnesses to be brought to Washington. (Tr. 17-19.)

(c) The direct written cases shall be exchanged on or before March 23, 1956. (Tr. 19.)

(d) On or before April 3, 1956, counsel for each party shall serve upon all other counsel, and file with the Commission in triplicate, a written statement containing (1) a list of all objections it desires to make to the receipt in evidence of any exhibits or specific portions thereof contained in the direct cases already exchanged, together with a brief statement of the reason for each objection; and (2) list of items of additional

information, if any, it requests from other applicants. (Tr. 19.)

(e) On or before April 9, 1956, counsel for all parties shall meet in informal conference, without the Hearing Examiner, for the purpose of discussing such objections and requests for information and reaching agreements thereon insofar as possible. All agreements reached shall be reduced to writing, signed by the parties, and filed with the Commission, in triplicate, on or before April 16, 1956, together with a list of the objections on which agreement was not reached and items of information refused to be furnished. (Tr. 19.)

(f) On or before April 16, 1956, each party shall serve upon all other parties, and file with the Commission in triplicate, a notice stating which witnesses it desires to be produced for cross-examination (1) in Washington, or (2) through deposition procedures. (Tr. 20.)

(g) All parties shall attempt to reach a stipulation with reference to engineering facts. (Tr. 15-16, 19.)

(h) On April 20, 1956, at 10:00 a. m., a further pre-hearing conference shall be held for the purposes stated in Section 1.841 (c). (Tr. 20.)

(i) Hearing shall be postponed until April 30, 1956. (Tr. 20.)

3. The Hearing Examiner ruled that evidence referred to in paragraph 16 of Southern Indiana Broadcasters, Inc.'s "Motion to Enlarge Issues," filed February 23, 1956, would be relevant and material under Issues 3 and 4. An objection was noted by Lawrenceville Broadcasting Company. (See Tr. 8-13.)

4. The Hearing Examiner ruled that the hearing would proceed on issues as presently constituted, notwithstanding pending petitions to change issues, and that further hearing would be held on any new issues added, with similar pre-hearing procedures repeated, if necessary, unless the Commission acted on the petitions before April 30, 1956. In the event an issue was subsequently deleted, a motion to strike evidence material and relevant under that issue only would be entertained. If the Commission should act on the petitions before April 30, 1956, any party may request the Hearing Examiner to have another pre-hearing or hearing conference to discuss what procedure should be followed in view of the Commission's action. (Tr. 20-21.)

It is ordered, This 5th day of March 1956, that the foregoing agreements and requirements shall govern the course of the proceeding to the extent indicated, unless modified by the Hearing Examiner for cause or by the Commission, upon review of the Hearing Examiner's ruling; and the hearing herein, previously scheduled for April 12, 1956, is continued until April 30, 1956, at 10:00 a. m.; and the second pre-hearing conference is scheduled for April 20, 1956, at 10:00 a. m.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-1846; Filed, Mar. 9, 1956;
8:51 a. m.]

[Docket No. 11323 etc.; FCC 56-172]

B. J. PARRISH ET AL.

MEMORANDUM OPINION AND ORDER
AMENDING ISSUES

In re applications of B. J. Parrish, Pine Bluff, Arkansas, Docket No. 11323, File No. BP-8698; Universal Broadcasting Corporation (KOTN), Brinkley, Arkansas, Docket No. 11324, File No. BP-8705; Southern Empire Broadcasting Company, Inc., Pine Bluff, Arkansas, Docket No. 11325, File No. BP-8726; James S. Rivers, tr/as The Southeastern Broadcasting System, Macon, Georgia, Docket No. 11326, File No. BP-8747; James A. Noe (KNOE), Monroe, Louisiana, Docket No. 11327, File No. BP-9161; Radio Columbus, Inc. (WDAK), Columbus, Georgia, Docket No. 11328, File No. BP-9260; for construction permits.

1. The Commission has before it for consideration (1) a petition filed by the above-entitled applicant B. J. Parrish on May 4, 1955, requesting modification of Issue No. 8 herein; (2) a petition for enlargement of issues, filed on April 22, 1955, by Radio Columbus, Inc.; and (3) a reply and opposition, to Radio Columbus' petition, filed by the Chief of the Commission's Broadcasting Bureau on April 27, 1955, and by James S. Rivers, tr/as The Southeastern Broadcasting System on May 2, 1955, respectively.

2. Petitioner B. J. Parrish as well as Southern Empire Broadcasting Company, Inc., both of Pine Bluff, Arkansas, James S. Rivers, tr/as The Southeastern Broadcasting System of Macon, Georgia, James A. Noe of Monroe, Louisiana, and petitioner Radio Columbus, Inc., of Columbus, Georgia, request use of the 540 kc frequency at the above-indicated cities. The application of Universal Broadcasting Corporation (KOTN) seeks removal of KOTN's present operation on the 1490 kc frequency at Pine Bluff, Arkansas to Brinkley, Arkansas, conditioned upon the grant of the application of petitioner Parrish for operation on the 540 kc frequency at Pine Bluff.

PETITION FOR MODIFICATION OF ISSUE NO. 8
(B. J. PARRISH)

3. By order dated March 30, 1955 (20 F. R. 2288) the Commission designated the above-listed applications for consolidated hearing. Among the issues specified in said order of designation, Issue No. 8 reads as follows:

8. To determine whether the subject proposals of B. J. Parrish and Southern Empire Broadcasting Co., Inc., are in compliance with the provisions of § 3.28 (c) of the Commission's rules with particular reference to providing the recommended minimum of interference-free service within the proposed stations' normally protected contours.

With his subject petition of May 4, 1955, B. J. Parrish requests that Issue No. 8 be modified by the addition of the following: "and to determine whether the provisions of § 3.28 (c) should be waived with respect to the above-entitled application of B. J. Parrish."

4. The above-entitled application of Parrish was filed in December 1952 and first amended in January 1953. On No-

vember 12, 1954, the Commission advised Mr. Parrish that his proposed operation did not comply with the provisions of § 3.28 (c) of the Commission's rules.¹ Restudy of the amended application and appropriate notifications to the Commission was requested. With the submission of its amended application of December 2, 1954, petitioner Parrish requested a waiver of § 3.28 (c) of the Commission's rules, pointing out (a) that the 1950 U. S. Census data as to the number of persons residing in the areas covered by the normally protected contours of its proposed station was incorrect because of shifts in population since 1950 and (b) that unusual circumstances warrant a waiver of the section involved. As circumstances of an unusual nature Mr. Parrish alleged, inter alia, that the area to be served by its proposed operation is, in large part, agricultural and rural in character and presently inadequately served and that a more fair, equitable and efficient distribution of broadcast service would result from a grant of petitioner's proposal for operation on the 540 kc frequency at Pine Bluff because such grant would permit use of the 1490 kc frequency at Brinkley, Arkansas which does not have a local station and because the entire nighttime service area of the proposed Brinkley station is without other primary service so that a grant of petitioner's Pine Bluff application will bring first-time, primary nighttime service to this substantial area. As has been noted, petitioner's reference to the effect a grant of its 540 kc frequency application at Pine Bluff will have upon the Brinkley area brings into focus the nature of this consolidated proceeding which includes the application of Universal Broadcasting Corporation (KOTN) for removal of its present operation on 1490 kc at Pine Bluff, Arkansas to Brinkley, Arkansas, contingent upon grant of petitioner's application for operation at 540 kc at Pine Bluff. Petitioner Parrish claims that good cause exists for the filing of his request at this time in view of the fact that he had previously requested said relief and that the Commission's order of designation

¹ Section 3.28 (c): "Upon a showing that a need exists, a Class II, III or IV station may be assigned to a channel available for such class, even though interference will be received within its normally protected contour: *Provided:* (1) No objectionable interference will be caused by the proposed station to existing stations or that if interference will be caused, the need for the proposed service outweighs the need for the service which will be lost by reason of such interference; and (2) primary service will be provided to the community in which the proposed station is to be located; and (3) the interference received does not affect more than 10 percent of the population in the proposed station's normally protected primary service area. However, in the event that the nighttime interference received by the proposed station would exceed this amount, then an assignment may be made if the proposed station would provide either a standard broadcast nighttime facility to a community not having such a facility or if 25 percent or more of the nighttime primary service area of the proposed station is without primary nighttime service."

did not specify the date of the consolidated hearing.²

5. Section 1.389 of our rules provides that petitions to enlarge issues must be filed within 15 days from the date the issues are published in the *FEDERAL REGISTER* unless good cause is shown for the delay. Under the circumstances here present the Commission is of the view that good cause as required by § 1.389 of its rules has been demonstrated by petitioner. In view of the nature of the allegations set forth in support of the requested modification permitting petitioner to show whether circumstances exist which would warrant a waiver of § 3.28 (c) of our rules, we see no reason not to accede to petitioner's request to modification of issue.

PETITION FOR ENLARGEMENT OF ISSUES
(RADIO COLUMBUS, INC.)

6. The subject petition for enlargement of issues filed by petitioner Radio Columbus, Inc. seeks addition of an issue with respect to the application of James S. Rivers tr/as The Southeastern Broadcasting System concerning possible violation of § 3.35 (multiple ownership) of the Commission's rules. Petitioner Radio Columbus points to said applicant's holdings of broadcast interests in the State of Georgia (Stations WMJM, Cordele; WJAZ, Albany; WTJH, East Point; and WACL, Waycross) and alleges that these stations, together with said applicant's proposed applications herein, have contiguous service areas presenting an overlap of the 0.5 mv/m contours of Stations WTJH, WJAZ and WACL with the 0.5 mv/m contour of the applicant's proposed Macon station and of the 0.5 mv/m contour of the proposed Macon station with the 0.5 and 2.0 mv/m contours of Station WMJM³ and alleges further that the existing broadcast stations of applicant Southeastern, together with the proposal herein, embrace a total population of approximately 1,800,000 people or 52 percent of the total population in the State of Georgia, in an area of approximately 39,400 square miles, or 65 percent of the total area in the State of Georgia. Petitioner Radio Columbus claims that concentration of ownership of standard broadcast stations as characterized by it hereinabove is contrary to the provisions of the Commission's multiple ownership rule and thus, requests addition of such an issue.

7. The Chief of our Broadcast Bureau urges denial of the petition of Radio Columbus not only on the ground that the issue requested is encompassed within the scope of the comparative issues specified in this proceeding but, in addition, that petitioner has failed to make a showing of so substantial an

overlap as would warrant inclusion of an issue such as that sought by petitioner. The opposition by Southeastern urges denial, *inter alia*, on the grounds advanced by the Bureau; in addition, it points out that the map submitted by petitioner reveals that there exists no overlap of the 2 mv/m contours of any of the hereinabove listed stations as between them and the hereinabove proposed Macon station; that, if Southeastern's pending application for Macon is granted only a slight overlap of the 0.5 mv/m contours of WACL with the proposed Macon station and of WTJH and the proposed Macon station will result; and that the presently operated Southeastern stations do not render service to a substantial portion of the State of Georgia in view of the fact that the 0.5 mv/m service is not service to communities of 2,500 or more persons.

8. As the map submitted by petitioner's consulting engineer shows, there exists no overlap of the 2 mv/m contours of any of the stations in which Southeastern has an interest. Though there exists overlap of the 0.5 mv/m contour of Southeastern's proposed station with the operating stations, the supporting engineering data submitted by petitioner show further that the extent of this overlap is not such as to be in contravention of our multiple ownership rule. In any event, we agree with the Chief of our Broadcast Bureau that petitioner will be able to make a showing of the nature indicated under the comparative issues specified in this proceeding since said issues encompass within its scope matters raised by petitioner. The petition of Radio Columbus, Inc. for the addition of a § 3.35 issue in regard to the application of Southeastern is therefore denied.

9. As noted hereinabove, petitioner B. J. Parrish applies for operation on the 540 kc frequency in Pine Bluff. B. J. Parrish, together with his wife, owns a 50 percent stock interest in Universal Broadcasting Corporation in which James A. Noe, the applicant herein for operation on the 540 kc frequency at Monroe, Louisiana, has the remaining 50 percent interest. Universal Broadcasting Corporation presently operates in Pine Bluff, Arkansas on the 1490 kc frequency (KOTN). Universal's application to move to Brinkley, Arkansas and to operate there on the same frequency was consolidated in this proceeding. This application of Universal would not come before us for action unless we take action which will assign the 540 kc facility to Pine Bluff. Therefore, the Universal application for a facility at Brinkley, Arkansas is contingent upon our grant of the Parrish application. In our Memorandum Opinion and Order in re The Jack Gross Broadcasting Co. (KFMB), San Diego, California (3 RR 1340) we observed:

As a matter of practice, the Commission has been placing contingent applications in its pending files until the applications on which they are contingent have been finally disposed of. The purpose of this practice, in addition to its administrative convenience, is to avoid giving any particular applicant, or applicants, an undue advantage over other applicants who may wish to apply for the frequency to be vacated. In accord with

this procedure the Commission has considered it improper to designate a contingent application for hearing in a consolidated proceeding with the so-called parent application in order that the two applications might receive simultaneous consideration. (3 RR 1342.)

The reasons stated for placing contingent applications in our files, to wit: to avoid giving any particular applicant an undue advantage over other applicants who may wish to apply for the frequency to be vacated, are equally applicable to the instant proceeding. Our order of designation of March 30, 1955, should therefore be modified accordingly and the application herein of Universal Broadcasting Corporation severed from this proceeding and placed in our pending files.

10. In view of the above, and in the event that the application of B. J. Parrish should be preferred in this proceeding and granted, operation on 540 kc might occur simultaneously with the operation of KOTN in Pine Bluff in which event the 540 kc facility would be under the exclusive ownership and control of B. J. Parrish and the operation of KOTN would be under the control of Universal Broadcasting Corporation in which B. J. Parrish and his wife have a 50 percent interest (negative control). Such operations would be in violation of the Commission's rules. A grant to B. J. Parrish can, thus, only be made subject to the condition that he shall divest himself of all interest in the licensee, Universal Broadcasting Corporation.

11. Accordingly, it is ordered, This 29th day of February 1956, that the application of Universal Broadcasting Corporation (KOTN) for operation on the 1490 kc frequency at Brinkley, Arkansas is severed from this proceeding, removed from hearing and placed in the pending file; that Voice of Delta, licensee of Station WCLD, Cleveland, Mississippi being a party to the proceeding in respect to the application of Universal Broadcasting Corporation (KOTN), is removed from this proceeding; that the petition of Radio Columbus, Inc. for enlargement of issues, filed on April 22, 1955, is denied; that the petition of B. J. Parrish, filed on May 4, 1955 for modification of Issue 8 is granted and, accordingly, said Issue 8 is modified by the addition of the following at the end thereof: "and to determine whether the provisions of § 3.28 (c) should be waived with respect to the above-entitled application of B. J. Parrish."

Released: March 5, 1956.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-1847; Filed, Mar. 9, 1956;
8:51 a. m.]

[Docket No. 11560, etc.; FCC 56M-207]

OLE MISSISSIPPI BROADCASTING CO.
(WSUH) ET AL.

ORDER CONTINUING HEARING

In re applications of E. O. Roden,
W. I. Dove and G. A. Pribbenow, d/b as

² In view of the allocations problems created by the Mexican notification on 540 kc (under NARBA), meetings held between representatives of the United States and the Mexican Governments in July 1955 and delay of formal consummation of the bi-lateral agreement, hearing in the subject proceeding has only recently (January 16, 1956) been scheduled to commence on March 13, 1956.

³ Petitioner submitted in support thereof an affidavit of its consulting radio engineer, accompanied by a map showing the alleged overlap.

Ole Mississippi Broadcasting Company (WSUH) Oxford, Mississippi, Docket No. 11560, File No. BP-9847; East Arkansas Broadcasters, Inc., Wynne, Arkansas, Docket No. 11561, File No. BP-9872; Warren L. Moxley, Blytheville, Arkansas, Docket No. 11562; File No. BP-9922; Sam C. Phillips, Clarence A. Camp and James E. Connolly, d/b as Tri-State Broadcasting Service (WHER) Memphis, Tennessee, Docket No. 11563, File No. BMP-6837; for construction permits and modification of construction permit.

The Hearing Examiner having under consideration a petition filed February 24, 1956, requesting modification of the order for the conduct of hearing in the above-entitled proceeding by extending for a period of three weeks the dates specified in that order for the exchange of written material and the start of the evidentiary hearing; and

It appearing that negotiations are presently being conducted among the applicants looking towards an agreement consistent with Commission Rules which may permit the disposition of the above applications without the necessity of a full hearing, and that good cause for the requested continuance has been shown;

It is ordered, This the 28th day of February 1956, that the several dates specified in paragraph 3 of the Hearing Examiner's order for the conduct of hearing dated January 25, 1956, be extended for approximately three weeks and that the date for the exchange of exhibits and written testimony is now specified as March 12, 1956, and the date for the start of the formal hearing is now specified as March 22, 1956.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-1848; Filed Mar. 9, 1956;
8:51 a. m.]

[Docket No. 11631; FCC 56M-193]

ROCHESTER BROADCASTING CO.

ORDER SCHEDULING HEARING

In re application of Victor J. Tedesco and Nicholas Tedesco d/b as The Rochester Broadcasting Company, Rochester, Minnesota, Docket No. 11631, File No. BP-9991; for construction permit.

It is ordered, This 27th day of February 1956, that the hearing in the above-entitled proceeding is hereby scheduled to commence on April 30, 1956, in Washington, D. C.

Released: February 28, 1956.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-1849; Filed, Mar. 9, 1956;
8:51 a. m.]

[Docket No. 11631; FCC 56M-201]

ROCHESTER BROADCASTING CO.

ORDER SCHEDULING HEARING

In re application of Victor J. Tedesco and Nicholas Tedesco, d/b as

The Rochester Broadcasting Company, Rochester, Minnesota, Docket No. 11631, File No. BP-9991; for construction permit.

It is ordered, This 27th day of February 1956, that James D. Cunningham will preside at the hearing in the above-entitled proceeding which is scheduled to commence on April 30, 1956, in Washington, D. C.

Released: February 29, 1956.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-1850; Filed, Mar. 9, 1956;
8:51 a. m.]

[Docket No. 11639; FCC 56-191]

COOS COUNTY BROADCASTERS

MEMORANDUM OPINION AND ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Harold C. Singleton, d/b as Coos County Broadcasters, Coos Bay, Oregon, Docket No. 11639, File No. BP-9758; for construction permit.

1. The Commission has before it for consideration a protest filed jointly on January 31, 1956, by KOOS, Inc., licensee of Station KOOS, Coos Bay, Oregon (License: 1230 kc, 250 w, U; Construction Permit: 1260 kc, 1 kw, DA-N, U); the Bay Broadcasting Company, licensee of Station KFIR, North Bend, Oregon (1340 kc, 250 w, U); and KWRO, Inc., licensee of Station KWRO, Coquille, Oregon (License: 1450 kc, 250 w, U; Construction Permit: 630 kc, 1 kw, D), pursuant to section 309 (c) of the Communications Act of 1934, as amended, and directed to the Commission's action of January 4, 1956, in granting without hearing the application of Harold C. Singleton, d/b as Coos County Broadcasters, for a construction permit for a new standard broadcast station to operate on 1420 kilocycles with a power of 1 kilowatt, daytime only, at Coos Bay, Oregon; and an opposition to the protest filed by Harold C. Singleton on February 19, 1956.

2. The protestants claim that each is a party in interest within the meaning of section 309 (c) of the Communications Act because Stations KOOS and KFIR are existing stations in Coos Bay and North Bend, respectively, which are twin cities where both stations provide service and compete for advertising revenue; and because Station KWRO, Coquille, Oregon, approximately 14 miles from Coos Bay, provides service to Coos Bay and North Bend, and receives about 25 percent of its advertising revenue from said cities.

3. In support of their protest, the protestants allege, in substance, that "the grant of this application should not be affirmed without careful hearing to determine the extent to which it will contribute to the debilitation of the existing stations"; that the three stations, KOOS, KFIR and KWRO serve the Coos Bay area; and that the populations of Coos Bay, North Bend, Coquille and Coos County are 6,223; 6,099; 3,523 and 42,265, respectively. It is further stated in the

protest that "If the growth patterns of recent years could be projected on a simple statistical basis, the outlook for this area might be fairly optimistic." The protestants contend, however, that the economic prospects of the Coos Bay area are less promising because the area's principal industry—lumbering—will not maintain its current rate of productivity. In support of this proposition, the protestants rely on a report by the Stanford Research Institute entitled "A Study of Industrial Development Possibilities for the Coos Bay Port District, prepared for the Port Commission of the Port of Coos Bay" (November 1955) predicting that logging production in the Coos Bay area will decline from 755,182,000 board feet in 1955 to 427,174,000 in 1965 and 297,646,000 in 1975. The protestants state that the report indicates that production will increase "for another year or so" and then "tend to decline" and that there is "little promise of offsets from other economic developments" in the area; and that "the future of this section would have to be characterized as regressive in tendency. It is certainly not one that will be aided by outsiders with but speculative or passing interests in the area. This intensifies the need to prevent debilitation of enterprises having their roots, interests and futures in these Coos Bay Area Communities. The stations licensed to the protestants are all locally owned and operated." The protestants contend that "People who move in and out of radio stations and obtain grants primarily with a view to sale (sic) are not apt to contribute in any substantial way to the public interest of a region like Coos Bay." The protestants then state that Harold Singleton is already interested in stations at Lebanon, Oregon; Chehalis, Washington; Walla Walla, Washington; and Hillsboro, Oregon. The protestants claim that Mr. Singleton "was briefly in and out" of KJUN, Redmond, Oregon and is now trying to sell KRTV, Hillsboro, Oregon and the subject Coos Bay construction permit; and that they have received reports that he actually offered his Coos Bay proposal for sale even before it was authorized. The protestants further state that they "are not satisfied that Singleton, with his dispersed interests, is actually financially qualified to build and personally operate a worthwhile facility in Coos Bay."

4. The protestants specify the following issues on which they would like to present evidence at a hearing on the Singleton application:

(1) To obtain full information respecting economic trends in the Coos Bay area so as to determine whether that area will provide sufficient revenues to the proposed station to permit the applicant adequately to serve his public.

(2) To determine, in the light of economic conditions and patterns affecting the Coos Bay area, whether advertising potentials are such as to indicate that the addition of the proposed new station will result in dilution of support with the result that both the proposed and the existing stations will be unable to render adequate service to the listening public.

(3) To determine whether the applicant, considering his commitments in

broadcast stations in other communities, is financially qualified to concentrate enough resources in Coos Bay to construct and operate his proposed station in the event economic support therefor is not available.

(4) To obtain full information with respect to the applicant's interests and transactions in other broadcast stations in Oregon and Washington.

(5) To determine whether the applicant has attempted to sell his proposed new station in Coos Bay either before or since the permit for its construction was granted.

(6) To determine, in the light of the evidence adduced with respect to the foregoing issues, whether the public interest, convenience and necessity requires that the Commission's action of January 4, 1956, granting the above-entitled application should be vacated.

5. In his opposition filed on February 17, 1956, Harold C. Singleton states that "Contrary to the pessimism expressed by the protestants, I have found indications of growth and optimism concerning the present and future business conditions in Coos Bay"; that population figures released by the Oregon State Board of Health show that since the 1950 census, up to July 1955, the population of Coos County has increased 25.4 percent as compared with an average of 11.1 percent for the rest of the state for the same period; that the increase in Coos County was the largest in the state; and that in spite of the pessimism expressed by the protestants, KOOS and KWRO "have recently applied for and obtained construction permits to increase power to 1 kw, in each case proposing to move to new transmitting locations, build new transmitter buildings, erect new towers, etc. and thus incur large expenditures for the expanded and improved radio facilities. Also, KOOS has applied to the Commission for permission to install a new television station in Coos Bay. Such expansion plans would indicate hope by these stations for additional business and broadcast and television revenues quite contrary to ideas expressed in the Protest. In other words, these protestants are now planning themselves for expanded service to this comparatively rapidly growing area and must hope to enjoy increased future revenues to justify the costs of the proposed new installations."

6. Harold C. Singleton further states in his opposition that he was part owner of Station KJUN, Redmond, Oregon, for over fifteen months and sold his interest to his partner who was manager of the station because of "increasing divergence of opinion" on operation of the station and also "due to my temporary sickness at the time"; that "obviously, there was no speculative intent in this transaction"; that as part of the "general activity" in the radio industry he has been solicited by individuals and brokers to sell KTRV but that he has never "quoted a price," "shown the station to a prospective buyer" nor "shown the financial statements" to anyone; that he received many phone calls and letters asking if the Coos Bay grant was for sale—"many of these inquiries coming from Coos Bay business men and

employees of some of the other local radio stations"—and that he told these people the Coos Bay grant was not for sale and that "the insistence of some of these inquirers suggests they may have been prompted"; that "the Commission has my financial statements on file and has previously determined satisfactory financial ability to construct and operate the proposed station"; that he was encouraged to apply for the Coos Bay station by local business men who expressed the feeling that a monopoly existed in that area; that the owners of KOOS also own the Coos Bay Times, the only daily newspaper published in the Coos Bay area and there thus exists a concentration; that all the radio stations in the Coos Bay area operate with a large profit; and that the "issues, as set forth by the protestants are all conjectural."

7. In view of the fact that the protestants are licensees of Stations KOOS, KFIR and KWRO which operate in Coos Bay, North Bend and Coquille, Oregon, respectively, that each station claims to provide service to and secure advertising revenue from Coos Bay, Oregon where the new station proposes to operate, we find each of the protestants to be a party in interest within the meaning of section 309 (c) of the Communications Act of 1934, as amended. T. E. Allen and Sons, Inc., 9 Pike and Fischer RR 197; Federal Communications Commission v. Sanders Brothers Radio Station, 309 U. S. 407 (9 Pike and Fischer RR 2008).

8. With respect to the "economic injury" Issues "1" and "2", the protestants rely on their interpretation of a twenty-year economic forecast of decreased lumbering activity in the Coos Bay area. With respect to the present economic impact of the grant in question, the protestants have set forth no facts, studies or data purporting to show that the Coos Bay market does not now, or could not in the future, produce enough advertising revenue to support the three existing stations and the authorized station.

9. With respect to Issue "3", protestants merely state that "we are not satisfied, for that matter, that Singleton, with his dispersed interests, is actually financially qualified to build and personally operate a worthwhile new facility in Coos Bay, particularly if economic support is not forthcoming."

10. With respect to Issues "4" and "5" the protestants simply state that "he [Singleton] was briefly in and out of KJUN, Redmond, Oregon"; that "he is now trying to sell KTRV, Hillsboro, Oregon"; that "we have verified statements, which we would like to explore at a hearing, that he is discussing sale of his new grant at Coos Bay and have received reports that he actually offered his Coos Bay proposal for sale even before it was authorized."

11. In the Commission's opinion, the subject protest leaves much to be desired in the way of specifying with particularity facts showing that the grant was improperly made or would otherwise not be in the public interest. However, since the protest is not of a frivolous or sham nature, or stated differently, since there is a not insubstantial "possibility that a

hearing [may] reveal merit" in protestants' position, the Commission is designating the application in question for evidentiary hearing on the issues specified by the protestants. Federal Broadcasting System, Inc., v. FCC; No. 12494; decided February 23, 1956. But the Commission is not adopting the issues; and, therefore the burden of proceeding with the introduction of evidence and the burden of proof on each issue shall be on the protestants.

12. The protestants have requested that the effective date of the grant of the subject application be postponed until a decision is handed down after a hearing on the matter. Section 309 (c) provides that "the effective date of the Commission's action shall be postponed unless the Commission affirmatively finds for reasons set forth in the decision that the public interest requires that the grant remain in effect, in which event the Commission shall authorize the applicant to utilize the facilities or authorization in question pending the Commission's decision after hearing." The Senate Report on H. R. 5614 amending section 309 (c) reads, in part, as follows:

It must be recognized that there will be cases where protestants will plead facts to which the Commission cannot demur, although, on the basis of all of the facts available, it is clear that the likelihood is extremely remote that the protested grant will ultimately have to be set aside. In such circumstances, the Commission should not be precluded from considering whether the public interest requires the protested authorization to remain in effect, but the Commission must affirmatively find and set forth reasons in its decisions as to why the public interest requires the grant to remain in effect.

The committee is well aware of the very real inconvenience to the public which would result if a protested grant is permitted to stay in effect and it is ultimately determined that the grant must be set aside and the service terminated. However, in exercising its limited discretion to continue a protested authorization in effect, the Commission would have to consider not only the need for the new service in question, but also the likelihood that the grant in question would ultimately have to be set aside. The committee feels that these requirements will minimize the possibility of the public being deprived of a service on which it has come to rely. In any event, we do not believe that, to insure against the remote possibility that an operating service may have to be taken off the air, it is necessary or advisable to preclude any operation by a station pending a protest hearing regardless of any countervailing public interest considerations.

13. We now turn to the need for the new service proposed by the subject grantee. The City of Coos Bay has one existing station—KOOS. It is affiliated with the Mutual Broadcasting System and devotes approximately 50 percent of its daytime hours to network programs. Station KFIR is licensed to operate at North Bend, Oregon and provides service to the City of Coos Bay. Station KFIR is affiliated with the Columbia Broadcasting System and devotes 71 percent of its daytime schedule to network programs. Coos Bay and North Bend are located contiguously and are considered "Twin Cities." Thus,

¹ 1 Pike and Fischer RR 10:373.

Coos Bay and North Bend have a total of two stations, both of which are network stations. The grantee proposes to operate as an independent station, and we believe that such an operation would provide greater opportunities for local self-expression to Coos Bay and North Bend. Moreover, the permittee proposes a generous percentage of time to be devoted to agricultural, educational and discussion programs. The grantee's percentages, as compared with those of Stations KOOS and KFIR, devoted to such programming are as follows:

	Grantee	KOOS	KFIR
Agriculture.....	10	1.6	0.20
Education.....	4	1.0	.20
Discussion.....	2	.8	.87

It appears that the added time to be devoted by the grantee's station to this type of programming will serve a real local need. While service is provided to Coos Bay and North Bend by Station KWRO, Coquille, Oregon, which is approximately 14 miles distant, KWRO's primary responsibility is programming to meet the needs of Coquille and is therefore not here considered in our determination of need for local service in the Coos Bay and North Bend market. Moreover, only these three stations, KOOS, KFIR and KWRO, provide primary daytime service (2 mv/m) to Coos Bay.¹

14. It is apparent from the foregoing that there is a need for the service in question and that the public interest would, barring countervailing considerations, definitely be served by the initiation of such service. We turn, therefore, to the showing made by the protestants as to why the public interest would not be promoted by a grant. We have here examined again the allegations and statements in the protest and the sworn response of the grantee. The very skeletal nature of the protestants' showing, taken in conjunction with the many persuasive statements set out in the grantee's reply, compel, we believe, the conclusion that the likelihood is very small that the protested grant will have to be set aside. Thus, on the financial issue, protestants have made only the bare allegation that because of Singleton's dispersed interests, he may not be financially qualified to construct the station in question, if economic support is not forthcoming; no specific or detailed attack on Singleton's financial showing is made, and we are satisfied, in our own reexamination of his showing, that the applicant is financially qualified to construct and operate his proposed station. On the so-called "trafficking" issue, again only general allegations, without detailing of the actual facts or events relied upon, have been made, while on the other hand, we have the grantee's, we think, satisfactory explanations. And, finally, as to the economic issue, we have previously indicated our serious reservations on policy

and legal grounds as to the pertinency of this factor to the public interest determination. See American Southern Broadcasters, 11 Pike and Fischer RR 1054, 1057; Radio Tifton, 12 Pike and Fischer RR 675. But in any event, as a factual matter, there would not appear, in view of the showing made, to be much likelihood of the establishment of facts making necessary consideration of the legal or policy question in this case. Protestants have made no detailed or, indeed, any explicit allegations that they would be forced to render an inadequate program service, or would be forced out of business or even that they would not be able to show a profit. The growth pattern and the actions of Stations KOOS and KWRO in improving their facilities as set out in the grantee's response, cast considerable doubt on the protestants' conjectural conclusion of economic decline, based solely on a survey which indicated only a falling off of the lumbering industry and the need for countering economic measures. Thus, in view of the inadequacy of the showing made by protestants, and the clear desirability of the institution of the proposed service, we affirmatively find that the public interest requires the grant to remain in effect.

15. Accordingly, it is ordered, That the subject protest is granted to the extent provided for below and is denied in all other respects; and that, pursuant to section 309 (c) of the Communications Act of 1934, as amended, the above-entitled application is designated for hearing at the offices of the Commission in Washington, D. C., on the following issues:

1. To obtain full information respecting economic trends in the Coos Bay area so as to determine whether that area will provide sufficient revenues to the proposed station to permit the applicant adequately to serve his public.

2. To determine, in the light of economic conditions and patterns affecting the Coos Bay area, whether advertising potentials are such as to indicate that the addition of the proposed new station will result in dilution of support with the result that both the proposed and the existing stations will be unable to render adequate service to the listening public.

3. To determine whether the applicant, considering his commitments in broadcast stations in other communities, is financially qualified to concentrate enough resources in Coos Bay to construct and operate his proposed station in the event economic support therefor is not available.

4. To obtain full information with respect to the applicant's interests and transactions in other broadcast stations in Oregon and Washington.

5. To determine whether the applicant has attempted to sell his proposed new station in Coos Bay either before or since the permit for its construction was granted.

6. To determine, in the light of the evidence adduced with respect to the foregoing issues, whether the public interest, convenience and necessity requires that the Commission's action of January 4, 1956, granting the above-entitled application should be vacated.

It is further ordered, That the burden of proceeding with the introduction of evidence and burden of proof as to each of the issues shall be on the protestants;

It is further ordered, That the protestants and the Chief of the Broadcast Bureau are hereby made parties to the proceedings herein and that

1. The hearing on the above issues is to commence at 10:00 a. m. on April 25, 1956, before an Examiner to be specified by the Commission; and

2. The parties to the proceedings herein shall have fifteen (15) days after the issuance of the Examiner's decision to file exceptions thereto and seven (7) days thereafter to file replies to any such exceptions; and

3. The appearances by the parties intending to participate in the above hearing shall be filed not later than April 16, 1956.

Adopted: March 1, 1956.

Released: March 2, 1956.

FEDERAL COMMUNICATIONS
COMMISSION

[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-1851; Filed, Mar. 9, 1956;
8:52 a. m.]

[Docket No. 11640]

SEACO, INC.

ORDER TO SHOW CAUSE

In the matter of Seaco, Inc., Orlando, Florida; order to show cause why the licenses for Special Industrial Radio Stations KIK 385 and KC 7607 should not be revoked.

There being under consideration the matter of eligibility of Seaco, Inc. otherwise known as Southeast Electronics, Inc., P. O. Box 5367, Orlando, Florida, under § 11.509¹ of the Commission's rules for Special Industrial Radio Stations KIK 385 and KC 7607; and

¹ Section 11.509 reads as follows:

(a) *Definition.* For the purposes of this part, general industrial service and trade activities are defined as those commercial or industrial activities directly involved in providing specialized functions, services or materials which are essential to the efficient conduct of miscellaneous industrial or agricultural processes. Only the following are recognized as general industrial service and trade activities in accordance with the foregoing.

(1) Servicing, repairing and maintaining heavy machinery (not including automobiles or trucks) exclusively in connection with agricultural, heavy construction, manufacturing or mining activities, as those terms are defined in this subpart, or in connection with activities conducted by persons who are eligible for license in the Power, Petroleum, Forest Products or Motion Picture Radio Services.

(2) Delivering and pouring ready-mixed concrete, hot asphalt mix, and similar perishable mixtures.

(b) *Eligibility.* Persons engaged in general industrial service and trade activities, or in a combination of general and specialized industrial service and trade activities, as those terms are defined in this subpart, are eligible in this service when it is shown that

¹ The network and programming data for KOOS and KFIR was obtained from the latest renewal of license applications for these two stations.

It appearing that said Special Industrial Radio Stations were granted on December 12, 1955, to the above-named licensee based on statements of eligibility submitted to the Commission by the said licensee on two FCC Forms 400, sworn to by one Fred F. Moore on September 24, 1955, designated as an officer of the applicant corporation, which reads on the application for the base station KIK 385, and is repeated with minor variations on the application for the mobile station, KC 7607, as follows:

We are engaged in an industrial activity, the primary function of which is servicing, repairing and maintaining heavy machinery (not including automobiles or trucks) exclusively in connection with agriculture, heavy construction, and manufacturing activities. All equipment which we maintain or repair is used in connection with activities conducted by persons who are eligible for license under FCC rules and regulations. Most of our servicing and maintenance work is carried out in sparsely populated and remotely located farms, groves, and other inaccessible locations, where no other means of communications is available. We are therefore, eligible to own and operate a radio communication system in accordance with section 11.509 (A) (1) FCC rules and regulations. Two way radio communication equipment will be installed in our service vehicles and will be used to expedite service to our customers' equipment, as well as to provide communications during emergencies and in the event of injury to personnel. This station shall be located and operated at all times in areas other than standard metropolitan [sic] areas of five hundred thousand or more population.

which caused the Commission to believe that the applicant was eligible for such licenses under said § 11.509 of the Commission's rules; and

It further appearing that since the grant of said licenses, the Commission has learned that Seaco, Inc. was then engaged and still is engaged in the business of selling and servicing radio transmitters and receivers licensable under Parts 10, 11 and 16 of the Commission's rules, rather than the servicing, repairing and maintaining of heavy machinery, and as such was not then and is not now eligible for a special industrial license for this function; and

It further appearing that if the true nature of said licensee's business had been revealed to the Commission at the time of these grants, the Commission would not have issued special industrial radio station licenses to Seaco, Inc.; and

It further appearing that said licensee wilfully misrepresented its eligibility to the Commission:

It is ordered, This 7th day of March 1956, pursuant to section 312 (a) (1) and (2) and (c) of the Communications Act

the use of radio will be exclusively in connection with the conduct of those activities.

(c) *Limitation on station locations.* Each station authorized in accordance with the provisions of this section shall be located and operated at all times in areas other than Standard Metropolitan Areas of 500,000 or more population, unless otherwise authorized by the Commission upon a showing that transmitting equipment will in fact be used in an area of low population density removed from the urbanized sections of the Standard Metropolitan Area involved.

of 1934, as amended, that the said Seaco, Inc. show cause why the aforesaid licenses should not be revoked and appear and give evidence in respect thereto at a hearing to be held before this Commission at Washington, D. C., on the 4th day of June 1956; and

It is further ordered, That the Secretary send a copy of this Order by Registered Mail—Return Receipt Requested to the said Seaco, Inc., P. O. Box 5367, Orlando, Florida.

Released: March 7, 1956.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-1852; Filed, Mar. 9, 1956;
8:52 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-10036]

ARKANSAS FUEL OIL CORP. ET AL.

ORDER SUSPENDING PROPOSED CHANGES IN RATES

Arkansas Fuel Oil Corporation (Operator), et al (Applicant) on February 6, 1956, tendered for filing proposed changes in presently effective rate schedules for sales subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings which are proposed to become effective on the date shown:

Description; Purchaser; Rate Schedule
Designation; and Effective Date*

Supplemental agreement, dated January 23, 1956; United Gas Pipe Line Company; Supplement No. 1 to Applicant's FPC Gas Rate Schedule No. 44; March 8, 1956.

Notice of change, dated January 31, 1956; United Gas Pipe Line Company; Supplement No. 2 to Applicant's FPC Gas Rate Schedule No. 44; March 8, 1956.

*Section 1.402 of the Commission's rules provides that in order to have the opportunity to appear before the Commission at the time and place specified in an order to show cause, a licensee shall within thirty (30) days from the date of the receipt of a show cause order submit a written statement informing the Commission whether said licensee will appear at the designated hearing and present evidence upon the matters specified, or whether the rights to such a hearing are waived. Waiver of the hearing may be accompanied by a statement setting forth the reasons why the licensee believes that an order of revocation should not be issued. A waiver unaccompanied by such a statement will be deemed to be an admission of the allegations specified in the order to show cause. Failure to respond to a show cause order within the above-mentioned thirty (30) day period, or, having informed the Commission in writing within the above-mentioned thirty (30) day period that the licensee will appear at the hearing and present evidence upon the matter specified and then failing to appear at the hearing, will be deemed to be a waiver of the right to a hearing and an admission of the allegations specified in the order to show cause.

*The stated effective date is the first day after expiration of the required thirty days' notice, or the effective date proposed by Applicant if later.

The increased rates and charges proposed in the aforesaid filings have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest, and to aid in the enforcement of the provisions of the Natural Gas Act, that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR, Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed changes in rates and charges; and, pending such hearing and decision thereon, the above-designated supplements be and the same hereby are suspended and the use thereof deferred until August 8, 1956, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(B) Neither the supplements hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Issued: March 5, 1956.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 56-1815; Filed, Mar. 9, 1956;
8:46 a. m.]

[Docket No. G-7855]

SINCLAIR B. KOUNS ET AL.

NOTICE OF APPLICATION AND DATE OF HEARING

MARCH 5, 1956.

Take notice that Sinclair B. Kouns et al. (Applicant), whose address is Shreveport, Louisiana, filed on December 2, 1954, an application as amended on October 4, 1955, and supplemented on December 2, 1955, for permission to abandon service pursuant to section 7 of the Natural Gas Act, authorizing Applicant to terminate service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant states that he is unable to furnish sufficient quantities of gas from a well in a 40-acre interest in NE¼ of Section 11, T. 17 N., R. 15 W., Caddo Parish, Louisiana, to United Gas Pipe

Line Company (purchaser) to satisfy the terms and conditions of the gas purchase contract dated January 25, 1954, and that the purchaser discontinued acceptance of deliveries in October of 1954, and, after the attempt to restore the well through various mechanical means failed, the subject well was plugged and capped on January 1, 1955.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on April 4, 1956, at 9:30 a. m. e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before March 19, 1956. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in, omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 56-1816; Filed, Mar. 9, 1956;
8:46 a. m.]

[Project No. 597]

UTAH POWER & LIGHT CO.

NOTICE OF APPLICATION FOR AMENDMENT OF
PLANS

MARCH 5, 1956.

Public notice is hereby given that Utah Power & Light Company of Salt Lake City, Utah, has filed application under the Federal Power Act (16 U. S. C. 791a-825r) for amendment of plans for water-power Project No. 597, located on Big Cottonwood Creek, near Murray, in Salt Lake County, Utah, to eliminate a small reservoir which is to be filled except for a channel to carry the creek flow in order to control pollution of Salt Lake City's water supply, and the removal of certain equipment from the Stairs Plant, and making the remaining equipment semi-automatic.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice in procedure of the Commission (18 CFR 1.8 or 1.10). The last date upon which protests or

petitions may be filed is April 16, 1956. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 56-1817; Filed, Mar. 9, 1956;
8:46 a. m.]

[Docket Nos. G-9490, G-9732]

CHAMPLAIN REFINING CO. AND COLORADO
OIL AND GAS CORP.

NOTICE OF FINDINGS AND ORDERS

MARCH 5, 1956.

Notice is hereby given that on February 17, 1956, the Federal Power Commission issued its findings and orders adopted February 15, 1956, issuing certificates of public convenience and necessity in the above-entitled matters.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 56-1818; Filed, Mar. 9, 1956;
8:46 a. m.]

[Docket No. ID-1143 etc.]

C. MAYNARD TURNER ET AL.

NOTICE OF ORDERS AUTHORIZING APPLICANTS
TO HOLD CERTAIN POSITIONS

MARCH 5, 1956.

In the matters of C. Maynard Turner, Docket No. ID-1143; John I. Ahern, Docket No. ID-1270; Herbert C. Towle, Docket No. ID-1271.

Notice is hereby given that on February 17, 1956, the Federal Power Commission issued its orders adopted February 15, 1956, authorizing applicants to hold certain positions pursuant to section 305 (b) of the Federal Power Act in the above-entitled matters.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 56-1819; Filed, Mar. 9, 1956;
8:46 a. m.]

[Docket No. G-4689 etc.]

ATLANTIC REFINING CO. ET AL.

NOTICE OF FINDINGS AND ORDERS

MARCH 5, 1956.

In the matters of The Atlantic Refining Company, Docket No. G-4689; Johnnye Jones Peet d/b/a Peet Oil Company, Docket No. G-8386; Blanco Oil Company, Docket No. G-8409; Mar-Tex Oil & Gas Company, Docket No. G-8474; Rock Hill Oil Company, Docket No. G-8574; Bass & Vessels (a partnership), et al., Docket No. G-8803; Skelly Oil Company, Docket No. G-9155.

Notice is hereby given that on February 20, 1956, the Federal Power Commission issued its findings and orders adopted February 15, 1956, issuing certificates of public convenience and necessity in the above-entitled matters.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 56-1820; Filed, Mar. 9, 1956;
8:47 a. m.]

[Docket No. E-6650]

BLACK HILLS POWER AND LIGHT CO. AND
RUSHMORE G. & T. ELECTRIC COOPERATIVE, INC.

NOTICE OF ORDER AUTHORIZING LEASE AND
MERGER OF FACILITIES

MARCH 5, 1956.

Notice is hereby given that on February 17, 1956, the Federal Power Commission issued its order adopted February 15, 1956, authorizing lease and merger of facilities in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 56-1821; Filed, Mar. 9, 1956;
8:47 a. m.]

[Docket No. G-2446]

MONTANA POWER CO.

NOTICE OF DECLARATION OF EXEMPTION

MARCH 5, 1956.

Notice is hereby given that on February 17, 1956, the Federal Power Commission issued its declaration of exemption from the provisions of the Natural Gas Act adopted February 15, 1956, in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 56-1822; Filed, Mar. 9, 1956;
8:47 a. m.]

[Docket No. G-8534]

PHILLIPS PETROLEUM CO.

NOTICE OF ORDER REGARDING RATE SCHEDULE
AND TERMINATING PROCEEDINGS

MARCH 5, 1956.

Notice is hereby given that on February 24, 1956, the Federal Power Commission issued its order adopted February 15, 1956, allowing rate schedule to take effect and terminating proceeding in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 56-1823; Filed, Mar. 9, 1956;
8:47 a. m.]

[Project No. 2107]

PACIFIC GAS AND ELECTRIC CO.

NOTICE OF ORDER APPROVING EXHIBITS AND
ADJUSTING ANNUAL CHARGES

MARCH 5, 1956.

Notice is hereby given that on February 23, 1956, the Federal Power Commission issued its order adopted February 15, 1956, approving exhibits and adjusting annual charges in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 56-1824; Filed, Mar. 9, 1956;
8:47 a. m.]

[Docket No. E-6657]

NORTHERN STATES POWER CO.

NOTICE OF ORDER AUTHORIZING ISSUANCE OF
COMMON AND PREFERRED STOCK

MARCH 5, 1956.

Notice is hereby given that on February 17, 1956, the Federal Power Commission issued its order adopted February 17, 1956, authorizing issuance of common stock and preferred stock in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.[F. R. Doc. 56-1825; Filed, Mar. 9, 1956;
8:47 a. m.]

[Docket Nos. G-9797—G-9799]

GAS LIGHT COMPANY OF COLUMBUS AND
SOUTHERN NATURAL GAS CO.NOTICE OF ORDER DENYING MOTION TO DIS-
MISS, PERMITTING WITHDRAWAL OF AP-
PLICATIONS AND TERMINATING PROCEED-
INGS

MARCH 5, 1956.

In the matter of Gas Light Company of Columbus, Docket Nos. G-9797 and G-9799; Southern Natural Gas Co., Docket No. G-9798.

Notice is hereby given that on February 20, 1956, the Federal Power Commission issued its order adopted February 15, 1956, denying motion to dismiss, permitting withdrawal of applications and terminating proceeding in the above-entitled matters.

[SEAL] LEON M. FUQUAY,
Secretary.[F. R. Doc. 56-1826; Filed, Mar. 9, 1956;
8:47 a. m.]UNITED STATES TARIFF
COMMISSION

[Investigation 51]

COTTON PILLOWCASES

INVESTIGATION INSTITUTED AND PUBLIC
HEARING ORDERED

The United States Tariff Commission, on the 6th day of March 1956, under the authority of section 7 of the Trade Agreements Extension Act of 1951, as amended, and section 332 of the Tariff Act of 1930, instituted an investigation, for the purpose of determining whether, as a result in whole or in part of the customs treatment reflecting concessions granted thereon in the General Agreement on Tariffs and Trade, the following articles are being imported into the United States in such increased quantities, either actual or relative, as to cause or threaten serious injury to the domestic industry producing like or directly competitive articles: Pillowcases, wholly or in chief value of cotton, provided for in paragraph 911 (b) of the Tariff Act of 1930.

On February 21, 1956, the Commission received an application filed by the Riegel Textile Corporation, 260 Madison Avenue, New York 16, N. Y., for an

escape-clause investigation under section 7 of the Trade Agreements Extension Act of 1951, as amended with respect to pillowcases made from print cloth yarn fabric, provided for in paragraph 911 (b) of the Tariff Act of 1930. The Commission, however, after due consideration of the matter, extended the scope of the investigation to cover the imported articles specified above.

Inspection of application. The application for investigation filed in this case, except for confidential material, is available for public inspection at the office of the Secretary of the Commission in Washington 25, D. C., and in the New York office of the Commission located in Room 437 of the Custom House, where it may be read and copied by persons interested.

Public hearing. A public hearing in the foregoing investigation was ordered by the Commission to begin September 11, 1956, at 10 a. m., e. d. s. t., in the Tariff Commission Building, 8th and E Streets NW., Washington, D. C., at which hearing all parties interested will be given opportunity to be present, to produce evidence, and to be heard.

Request to appear. Interested parties desiring to appear and give testimony at the hearing should notify the Secretary of the Commission, in writing, at least three days in advance of the date of the hearing.

Issued: March 7, 1956.

By order of the Commission.

DONN N. BENT,
Secretary.[F. R. Doc. 56-1835; Filed, Mar. 9, 1956;
8:49 a. m.]INTERSTATE COMMERCE
COMMISSION

[MC-C-1934]

MOTOR PICK-UP AND DELIVERY
RESTRICTIONS IN CALIFORNIA

ORDER INSTITUTING INVESTIGATION

At a session of the Interstate Commerce Commission, Board of Suspension, held at its office in Washington, D. C., on the 1st day of March A. D. 1956.

There being under consideration the matter of rules, regulations and practices purporting to restrict pick-up and/or delivery service affecting rates and charges between points in California applicable on interstate or foreign commerce, and provisions in connection therewith, as set forth in Item No. 870, provision reading "or because of riots or strikes," only, on 7th Revised Page 55 of tariff MF-I. C. C. No. 2 (Issued November 28, 1951) of Interstate Freight Carriers' Conference, Inc., Agent, or as same may be amended or reissued.

It appearing that upon consideration of the tariff schedules and protests thereto, there is reason to institute an investigation to determine whether they result in rules or regulations and practices that are unjust and unreasonable in violation of the Interstate Commerce Act; and good cause appearing therefor:

It is ordered, That an investigation be, and it is hereby, instituted, upon the Commission's own motion, into and concerning the lawfulness of the rules, regulations and practices contained in said schedules, with a view to making such findings and orders in the premises as the facts and circumstances shall warrant.

It is further ordered, That the investigation in this proceeding shall not be confined to the matters and issues hereinbefore stated as the reason for instituting this investigation, but shall include all matters and issues with respect to the lawfulness of the said rules, regulations and practices under the Interstate Commerce Act.

It is further ordered, That carriers parties to said schedules be, and they are hereby, made respondents to this proceeding; that a copy of this order be forthwith served upon the said respondents; and that notice of this proceeding be given the public by posting a copy of this order in the Office of the Secretary of the Commission, and by filing a copy with the Director, Division of the Federal Register.

And it is further ordered, That this matter be assigned for hearing at a time and place to be hereafter fixed.

By the Commission, Board of Suspension.

[SEAL] HAROLD D. MCCOY,
Secretary.[F. R. Doc. 56-1830; Filed, Mar. 9, 1956;
8:48 a. m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

MARCH 7, 1956.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 31786: Carbon Electrodes—Natco, Tenn., to Houston, Tex. Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on carbon furnace or electrolytic bath electrodes (carbon plugs), noibn, straight or mixed carloads from Natco, Tenn., to Houston, Tex.

Grounds for relief: Truck-barge competition, and circuitry.

Tariff: Supplement 119 to Agent Kratzmeir's I. C. C. 4115.

FSA No. 31787: Petroleum and products—Oklahoma to Texas and southern points. Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on petroleum and its products, carloads from specified points in Oklahoma to specified points in Texas and southern territory.

Grounds for relief: Circuitous routes. Tariffs: Supplement 44 to Agent Kratzmeir's I. C. C. 4102; supplement 63 to Agent Kratzmeir's I. C. C. 4118.

FSA No. 31788: Roofing and building materials—Southwest to Helena and West Helena, Ark. Filed by F. C. Kratzmeir, Agent, for interested rail carriers.

Rates on roofing and building materials and roofing slate, straight or mixed carloads from specified points in Arkansas, Louisiana, Oklahoma, and Texas to Helena and West Helena, Ark.

Grounds for relief: Short-line distance formula and circuitry.

Tariff: Supplement 9 to Agent Kratzmeir's I. C. C. 4148.

FSA No. 31789: *Fertilizer solutions—between points in Western Territory.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on fertilizer ammoniating solutions, nitrogen fertilizer solutions, and phosphatic fertilizer solutions, tank-car loads between (1) points in southwestern territory, on one hand, and points in western trunk-line territory, on the other, (2) points within western trunk-line territory, and (3) points within Illinois territory.

Grounds for relief: Short-line distance formula.

Tariff: Supplement 127 to F. C. Kratzmeir's I. C. C. 4112 and two other tariffs.

FSA No. 31790: *Lubricating oil—Baton Rouge and North Baton Rouge, La., to Gulfport, Miss.* Filed by R. E. Boyle Jr., Agent, for interested rail carriers. Rates on petroleum lubricating oil, tank-car loads from Baton Rouge and North Baton Rouge, La., to Gulfport, Miss.

Grounds for relief: Circuitous route.

Tariff: Supplement 244 to Agent C. A. Spaninger's I. C. C. 1253.

FSA No. 31791: *Liquefied petroleum gas—Kentucky and West Virginia to Carolina and Virginia points.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on liquefied petroleum gas, tank-car loads from Catlettsburg, Ky., Hubball and Kermit, W. Va., to specified points in North Carolina, South Carolina, and to Martinsville and Virginia Beach, Va.

Grounds for relief: Circuitous routes.

Tariff: Supplement 246 to Agent Spaninger's I. C. C. 1253.

FSA No. 31792: *Liquefied petroleum gas to Southern Territory.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on liquefied petroleum gas, tank-car loads from specified points in Arkansas, Kansas, Louisiana, Missouri, New Mexico, Oklahoma, and Texas, also from points in the Baton Rouge-New Orleans group, Calco, Dragon and Zetus, Miss.

Grounds for relief: Truck competition and circuitous routes.

Tariffs: Supplement 54 to Agent F. C. Kratzmeir's I. C. C. 4118; Supplement 245 to Agent C. A. Spaninger's I. C. C. 1253.

FSA No. 31793: *Forest products—Norfolk, Va., to Thomasville, N. C.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on forest products, carloads, on import and domestic traffic from Norfolk, Va., to Thomasville, N. C.

Grounds for relief: Circuitous route.

Tariffs: Supplements 51 and 124 to Agent C. A. Spaninger's tariffs I. C. C. Nos. 1356 and 1369, respectively.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 56-1832; Filed, Mar. 9, 1956; 8:48 a. m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

WASHINGTON

DESIGNATION OF AREAS FOR PRODUCTION EMERGENCY LOANS

For the purpose of making Production Emergency loans pursuant to section 2 (a) of Public Law 38, 81st Congress (12 U. S. C. 1148a-2 (a)), as amended, it has been determined that in the following named counties in the State of Washington a production disaster has caused a need for agricultural credit not readily available from commercial banks, co-operative lending agencies, or other responsible sources.

Washington: Adams, Franklin, Grant.

Pursuant to the authority set forth above, Production Emergency loans will not be made in such counties after December 31, 1956, except to applicants who previously received such assistance and who can qualify under established policies and procedures.

Done at Washington, D. C., this 6th day of March 1956.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 56-1828; Filed, Mar. 9, 1956; 8:48 a. m.]

TEXAS

DISASTER ASSISTANCE; DELINEATION OF DROUGHT AREA

Pursuant to Public Law 875, 81st Congress, the President determined on July 21, 1954, that a major disaster occasioned by drought existed in the State of Texas, and extended that determination on September 19, 1955.

Pursuant to the authority delegated to me by the Administrator, Federal Civil Defense Administration (18 F. R. 4609; 19 F. R. 2148, 5364; 20 F. R. 4664), and for the purposes of section 2 (d) of Public Law 115, 83d Congress, and section 301 of Public Law 480, 83d Congress, Grimes County, Texas, was determined on February 29, 1956, to be affected by the above-mentioned major disaster.

Done at Washington, D. C., this 6th day of March 1956.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 56-1829; Filed, Mar. 9, 1956; 8:48 a. m.]

Rural Electrification Administration

[Administrative Order 5273]

MINNESOTA

LOAN ANNOUNCEMENT

FEBRUARY 6, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following

designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: Minnesota 81N Aitkin..... Amount \$50,000

[SEAL] ANCHER NELSEN,
Administrator.

[F. R. Doc. 56-1858; Filed, Mar. 9, 1956; 8:53 a. m.]

[Administrative Order 5274]

OREGON

LOAN ANNOUNCEMENT

FEBRUARY 6, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: Oregon 32N Columbia..... Amount \$327,000

[SEAL] ANCHER NELSEN,
Administrator.

[F. R. Doc. 56-1859; Filed, Mar. 9, 1956; 8:53 a. m.]

[Administrative Order 5275]

PENNSYLVANIA

LOAN ANNOUNCEMENT

FEBRUARY 6, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: Pennsylvania 20AB Blair..... Amount \$1,290,000

[SEAL] ANCHER NELSEN,
Administrator.

[F. R. Doc. 56-1860; Filed, Mar. 9, 1956; 8:53 a. m.]

[Administrative Order 5276]

WASHINGTON

AMENDMENT OF LOAN ANNOUNCEMENT

FEBRUARY 7, 1956.

I hereby amend:

(a) Administrative Order No. 415, dated December 1, 1939, as amended by Administrative Order No. 457, dated May 10, 1940, by reducing the allocation of \$5,000 therein made for "Washington O-703OW1 Stevens" by \$3,619.62 so that the reduced allocation shall be \$1,380.38.

[SEAL] ANCHER NELSEN,
Administrator.

[F. R. Doc. 56-1861; Filed, Mar. 9, 1956; 8:53 a. m.]

[Administrative Order 5277]

KENTUCKY

AMENDMENT OF LOAN ANNOUNCEMENT

FEBRUARY 8, 1956.

I hereby amend:

(a) Administrative Order No. 4156, dated April 27, 1953, by rescinding the loan of \$50,000 therein made for "Kentucky 52V Fleming".

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 56-1862; Filed, Mar. 9, 1956;
8:53 a. m.]

[Administrative Order 5278]

NEBRASKA

LOAN ANNOUNCEMENT

FEBRUARY 10, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Nebraska 78AD Dawson District	
Public	\$345,000

[SEAL] ANCHER NELSEN,
Administrator.

[F. R. Doc. 56-1863; Filed, Mar. 9, 1956;
8:53 a. m.]

[Administrative Order 5279]

OKLAHOMA

LOAN ANNOUNCEMENT

FEBRUARY 10, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Oklahoma 21X Washita	\$460,000

[SEAL] ANCHER NELSEN,
Administrator.

[F. R. Doc. 56-1864; Filed, Mar. 9, 1956;
8:54 a. m.]

[Administrative Order 5280]

MINNESOTA

LOAN ANNOUNCEMENT

FEBRUARY 10, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Minnesota 75S Red Lake	\$100,000

[SEAL] ANCHER NELSEN,
Administrator.

[F. R. Doc. 56-1865; Filed, Mar. 9, 1956;
8:54 a. m.]

[Administrative Order 5281]

VIRGINIA

AMENDMENT OF LOAN ANNOUNCEMENT

FEBRUARY 13, 1956.

Inasmuch as Craig-Botetourt Electric Cooperative has transferred certain of its properties and assets to Chesapeake Islands Electric Cooperative, and Chesapeake Islands Electric Cooperative has assumed in part the indebtedness of Craig-Botetourt Electric Cooperative to United States of America arising out of loans made by United States of America pursuant to the Rural Electrification Act of 1936, as amended, I hereby amend:

(a) Administrative Order No. 2264, dated August 9, 1949, by changing the project designation appearing therein as "Virginia 2N Craig" in the amount of \$253,000 to read "Virginia 2N Craig" in the amount of \$233,000 and "Virginia 49TP1 Tangier (Virginia 2N Craig)" in the amount of \$20,000.

[SEAL] ANCHER NELSEN,
Administrator.

[F. R. Doc. 56-1866; Filed, Mar. 9, 1956;
8:54 a. m.]

[Administrative Order 5282]

ARKANSAS

LOAN ANNOUNCEMENT

FEBRUARY 14, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Arkansas 26AA Fulton	\$100,000

[SEAL] ANCHER NELSEN,
Administrator.

[F. R. Doc. 56-1867; Filed, Mar. 9, 1956;
8:54 a. m.]

[Administrative Order 5283]

VERMONT

LOAN ANNOUNCEMENT

FEBRUARY 14, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Vermont 8V Washington	\$105,000

[SEAL] ANCHER NELSEN,
Administrator.

[F. R. Doc. 56-1868; Filed, Mar. 9, 1956;
8:54 a. m.]

[Administrative Order 5284]

TEXAS

LOAN ANNOUNCEMENT

FEBRUARY 14, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended,

a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Texas 93U DeWitt	\$800,000

[SEAL] ANCHER NELSEN,
Administrator.

[F. R. Doc. 56-1869; Filed, Mar. 9, 1956;
8:54 a. m.]

[Administrative Order 5285]

NEBRASKA

LOAN ANNOUNCEMENT

FEBRUARY 14, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Nebraska 56Y Cedar-Knox District Public	\$260,000

[SEAL] ANCHER NELSEN,
Administrator.

[F. R. Doc. 56-1870; Filed, Mar. 9, 1956;
8:54 a. m.]

[Administrative Order 5286]

NEW MEXICO

LOAN ANNOUNCEMENT

FEBRUARY 14, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
New Mexico 28F Sandoval	\$605,000

[SEAL] ANCHER NELSEN,
Administrator.

[F. R. Doc. 56-1871; Filed, Mar. 9, 1956;
8:54 a. m.]

[Administrative Order 5287]

INDIANA

LOAN ANNOUNCEMENT

FEBRUARY 14, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Indiana 35H Jasper	\$450,000

[SEAL] ANCHER NELSEN,
Administrator.

[F. R. Doc. 56-1872; Filed, Mar. 9, 1956;
8:55 a. m.]